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ABSTRACT

The handbook is intended as a reference to rights of handicapped children and adults as defined by federal and state legislation. A section on education makes up a major portion of the document and includes information on the following areas: definition of handicapped children, early childhood, visual impairment, hearing impairment, physical or health impairment, learning disability, educational handicap, emotional handicap, behavior disorder, mental impairment, speech and/or language impairment, multiple impairment, home and hospital, prevocational, special education supportive services, psychological services, social work services, special education summer programs, services for children in their primary language, mainstreaming, termination of special education placement, graduation of handicapped students, exclusion of handicapped students, state-operated or private program, impartial due process hearing, parents' rights to inspect children's records, special education services for children in residential care, transportation of handicapped children, and five basic steps in enrolling a handicapped child. Other sections cover the Illinois Individual Care Grant Program, supplemental security income, social security income, tax deductions, rights of institutionalized, developmental disabilities, vocational rehabilitation, employment, housing, transportation, architectural barriers, civil rights, and other rights. (SBH)

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RIGHTS HANDBOOK

for

HANDICAPPED CHILDREN AND ADULTS

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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INTRODUCTION

This Handbook is intended as a reference and a guide to rights defined by Federal and State legislation. It is not intended to be used as a law book or legal document. If, by using this Handbook you believe your RIGHTS have been violated, take your complaints to your local consumer organization, parent organization, or to the appropriate COMPLIANCE agency. If no appropriate COMPLIANCE mechanism exists, you should seek specific legal advice from professional legal counsel.

We have attempted to make this Handbook as comprehensive as possible. If you have found other legislation to be specifically helpful to you as a handicapped person, which has not been mentioned in this publication, please share that information with us for inclusion when this Handbook is updated.

EDUCATION

THE LAW AND THE EDUCATION OF HANDICAPPED CHILDREN

The 14th Amendment to the United States Constitution calls for "equal protection of the laws" for all citizens. This means handicapped children are entitled to an education like other children.

The Constitution of Illinois states: "A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities".

The Education for all Handicapped Children Act, (Public Law 94-142) is a new national law which requires a free appropriate public education for all handicapped children in the United States.

The Rules and Regulations of Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112) requires that: All recipients of HEW funds which operate public elementary or secondary education programs must "provide a free appropriate public education to each qualified handicapped person who is in the recipient's jurisdiction, regardless of the nature or severity of the person's handicap". (S 84.33)

A state law passed in 1965 requires all public schools in Illinois to provide special education programs for all handicapped children. This law, popularly known as the Mandatory Special Education Act (HB1407), is part of Article 14 of the Illinois School Code, and went into effect July 1, 1969. All handicapped children 3 to 21 years of age are eligible for special education services under the law.

Another Illinois law, Article 14, Section 7.02 of the School Code, popularly known as the tuition reimbursement law (HB2671), provides up to $2,500 a year tuition for private schools for children too severely handicapped for public school special education programs. This law also became effective in July, 1969, and although only permissive at the time, was made mandatory in 1972. An additional $500 tuition is provided if the private school has a summer program and the local public school district participates in the summer tuition reimbursement program. The summer tuition program, popularly known as HB648, is part of Section 7.02, Article 14 of the School Code. It is permissive legislation, which means school districts are not required to participate.

The State Rules and Regulations to Govern the Administration and Operation of Special Education are the rules written by the Illinois Office of Education which all public school districts must follow to implement all special education legislation and to be in compliance with this legislation.

It is our purpose to describe special education services required by law for handicapped children and the steps parents must take to obtain these services. Some may wish to know the specific part of the law or rules and regulations used for information in this booklet. Therefore, we have included references for sources used in this booklet.

State and federal funds together pay approximately 75% of the cost of special education in Illinois, with local public school districts paying approximately 25% of the cost. State funds pay approximately half the cost of special education teachers, school psychologists, school social workers, teacher nurses, and other special education personnel. Federal funds pay for many

special education programs out of funds from the Elementary and Secondary Education Act. Eighty per cent of the cost of transporting each handicapped child to school is paid for by the state. In addition to special education funds, every school district receives the same amount of money for each handicapped child that it receives from each non-handicapped child.

FEDERAL

Special education services mandated by federal law for all handicapped children in the United states are explained in the following synopsis of the Education for All Handicapped Children Act.

THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT (P.L. 94-142)

The Education for All Handicapped Children Act (P.L. 94-142) is a new national law, signed by President Ford November 29, 1975, which requires a free, appropriate public education for all handicapped children in the United States.

The new law requires that all handicapped children between the ages 3 to 18 be served by September 1, 1978 - and that all those 3 to 21 be served by September 1, 1980, in order for the states to qualify for federal funds. Special Education Services must be provided at no cost to parents.

The Education for All Handicapped Children Act is an extension of the earlier Education of the Handicapped Act (P.L. 93-380), combining provisions of S6 and HR 7217 which was in effect in 1975.

HANDICAPPED CHILDREN ARE DEFINED AS:

- Mentally Retarded
- Hard of Hearing
- Deaf
- Speech Impaired
- Visually Handicapped
- Seriously Emotionally Disturbed
- Orthopedically Impaired
- Health Impaired
- Children with Specific Learning Disabilities

SPECIAL EDUCATION SERVICES REQUIRED:

- An individualized educational program which will meet the unique needs of the child

- Related services needed by the child. These related services may be:
  - Transportation
  - Speech Pathology and Audiology

- Psychological Services
- Physical and Occupational Therapy
- Recreation
- Counseling
- Medical Services for Evaluation and Diagnostic Purposes

The child's special education program must be developed with the participation of parents, teacher, local education agency, and the child himself, whenever appropriate.

MAINSTREAMING:

The program developed for the child must assure that - whenever appropriate - handicapped children will be educated with children who are not handicapped. Special classes and separate schooling are provided only when the nature of severity of the handicap prevents achievement of a satisfactory education program.

AGE REQUIREMENT:

The Act requires the education of:

. All handicapped children 3 - 18 by September 1, 1978
. All handicapped children 3 - 21 by September 1, 1980

The education of handicapped children 3 to 5 years old and those 18 to 21 is not required in states where this requirement is inconsistent with state law or practice.

PRIORITIES:

. First priority is to children not receiving an education
. Second priority is to children with the most severe handicap who are "inadequately served".

IDENTIFICATION OF HANDICAPPED CHILDREN:

State and local educational districts must implement practical methods to locate and identify all handicapped children in need of special education and related services.

OTHER REQUIREMENTS OF THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT:

. Non-discriminatory testing and evaluation.
. Regular parent or guardian consultation.
. Annual evaluation of effectiveness of special education program - including the child's individualized education program.
. Policies and procedures to make school records available to parents or guardians and protect confidentiality of data and information.
. An effective policy guaranteeing the right of all handicapped children to a free, appropriate public education, at no cost

to parents or guardian.
. A surrogate to act for any child when parents or guardians are either unknown or unavailable, or when the child is a legal ward of the state.
. Guarantee of complete due process procedures.
. Maintenance of programs and procedures for comprehensive personnel development including in-service training.
. Incentive grants for the removal of architectural barriers in educational facilities.
. Positive efforts to employ and advance qualified handicapped individuals in special education programs.

THE ROLE OF THE PRIVATE SCHOOL:

The Education for All Handicapped Children Act DOES NOT require that all handicapped children be educated in public schools. The Act defines "free appropriate education" as "special education and related services which have been provided at public expense, under public supervision and direction and without charge" to parents or guardians.

The Act specifies the provisions under which states may receive funding for handicapped children in PRIVATE SCHOOLS as follows:

. The child must be placed or referred by the state or local educational agency as a means of carrying out public policy.
. An individualized education program is maintained for the child in the private facility.
. The program is AT NO COST TO PARENT OR GUARDIAN.
. The private school meets standards set up by the state and local education agency.
. The child is accorded all educational rights he would have if served directly by public agencies.

FEDERAL FUNDING INCENTIVES FOR STATES:

Strong incentives for the states to implement the requirements of the Education for All Handicapped Children Act are built into the law - through the millions of federal dollars available to states who comply (and the loss of millions for states who do not comply).

The payment formula is based upon a gradually escalating percentage of the National average expenditure per public school child - times the number of handicapped children served by each state. The percentage of federal dollars paid the states will increase annually until 1982, when it will reach a permanent 40% for that year and all subsequent years.

In determining federal funding allotments for each state, no more than 12% of the school population can be counted as handicapped children.

FORMULA SCALE:
. Fiscal 1977 - $200 million

. Fiscal 1978 - $387 million (5%)
. Fiscal 1979 - $775 million (10%)
. Fiscal 1980 - $1.2 Billion (20%)
. Fiscal 1981 - $2.32 Billion (30%)
. Fiscal 1982 - $3.16 Billion (40%)

Federal funds must be spent on "excess costs" only - that is those costs that are in excess of average annual per pupil expenditure.

PENALTIES

Penalties for substantial non-compliance with the Act are loss to the states of all of the following federal funds:

. Funds under the Education for All Handicapped Children Act.
. Funds under Part A of Title I of the Elementary and Secondary Education Act.
. Funds under Title III of the Elementary and Secondary Education Act and its successor Part C, Section 431 of PL 93-380.
. Funds under the Vocational Education Act.

The U.S. Commissioner may order the State Education agency to cut off the above federal funds to any school district found in substantial non-compliance.

STATE MONITORING. STATE PLANS AND STATE REPORTS

State Educational agencies are responsible for assuring that all requirements of the Act are met.

The U.S. Commissioner of education is responsible for monitoring and approving all comprehensive state plans. The Commissioner is also responsible for gathering, evaluating, and publishing data and information on the implementation of the Act on an annual basis. This information must be made available to appropriate committees of Congress and to the general public.

STATE

Special Education Services mandated by state law for all handicapped children in Illinois are explained in the following adaption of Article 14, The School Code of Illinois and the State Rules and Regulations to Govern the Administration and Operation of Special Education (August 23, 1976).

WHO ARE HANDICAPPED CHILDREN?

Handicapped children include those who have a visual or hearing impairment, a physical or health impairment, a speech and/or language impairment, a learning disability, an educational handicap, a behavioral disorder, a mental impairment, or multiple impairment.

The U S. Office of Education (Bureau of the Education of the Handicapped) allows 12% of the school population to be counted as handicapped for funding purposes.

According to Chicago Board of Education reports, approximately 10% of all Chicago school children are handicapped. Thus, it is estimated that there may be as many as 100,000 children in the city of Chicago, an additional 40,000 in Chicago suburbs, and approximately 250,000 in the entire state of Illinois.

There are children who may be considered disabled, but not educationally handicapped. Some examples would be:

- A child who has a hearing problem, but whose hearing aid allows him to hear as well as any other child, and who has not developed a significant speech or language problem.

- A child who has a physical disability and who may not be able to walk or run like other children, but who can go to and from the classroom on his own and needs no special help.

- A child who is blind in one eye but has "normal" vision in the other eye with the aid of glasses.

- A child who has a severe emotional problem that may require a specialist outside of school, but which does not interfere with his learning or that of other students in the classroom.

There are many other handicapped children who may not need a special educational program. It is the right of parents and it is to the advantage of their child to see that he is not classified as having an educational handicap, if his handicap does not interfere with his schooling or that of other children.

EARLY CHILDHOOD PROGRAM

DEFINITION:

Any handicapped child 3 to 5 years old can be enrolled in the Early Childhood Program. These include services in a private school if the local public school district decides the child is too severely handicapped for a public school education program.

Any handicapped child who will be 3 years old before December 1 of any school year can be enrolled for the Early Childhood Program and begin school in September of that year.(Rules and Regulations ... Article 3.03).

Any handicapped child who becomes 3 after December 1 can be enrolled any time thereafter; he does not have to wait until the following September to begin school. (Rules and Regulations ... Article 3.03).

ELIGIBILITY:

The local public school district decides whether or not a child is eligible for special education services - and what kind of services he needs. An annual screening of children 3 to 5 years old, to identify those who may need special education is required.

(Rules and Regulations ... Article 9.02)

The decision on eligibility is made after a case study evaluation which includes:

- An interview with the child.
- Consultation with the child's parents.
- Social developmental study.
- Academic history and current educational functioning.
- Medical history and current health status.
- Vision and hearing screening.
- Educational evaluation of the child's learning processes and level of achievement.
- Assessment of the child's learning environment.
- Special evaluations specific to the child's problems

(Rules and Regulations ... Acticle 9.09)

CASE STUDY, EVALUATION, AND PLACEMENT DEADLINE:

The school district must make a decision regarding a child's eligibility for special education and the kind of program he needs - within 60 days of the referral date or 60 days of application.

The child must be placed in a special education program as soon as possible after the multidisciplinary staff conference, but no later than the beginning of the next school semester.

Parents have the right to object to a proposed placement and to appeal to the State - the Illinois Office of Education - for a review of the placement decision if the case cannot be resolved at the local level...

(Rules and Regulations ... Acticles 9.20, 9.23 & 924)

CLASS SIZE:

No more than 5 students are allowed for each qualified teacher. Exceptions are allowed in the following cases:

- To meet unique circumstances which occur during the school year, when enrollment may be increased by a maximum of two students.
- In programs which provide a full-time, non-certified assistant, when enrollment may be increased by a maximum of 5 students. All other exceptions require written approval of the Illinois Office of Education.

(Rules and Regulations ... Article 4.04)

AGE REQUIREMENT AND AGE RANGE:

Children 3 to 5 years old are eligible.
(Rules and Regulations ... Article 4.03)

INSTRUCTION TIME REQUIREMENT:

An adjusted schedule may be provided, with a minimum of 2½ hours per day.

RE-EVALUATION:

An annual review of the child's placement and special education needs is required. The opinions of the parents and of the teacher are to be considered in this review. If further diagnostic evaulation is indicated and/or requested by the parents, the teacher, or other knowledgeable persons, it is to be completed within 60 school days.
(Rules and Regulations ... Article 9.25)

TO SECURE SERVICES:

Parents who believe their child may be eligible for the Early Childhood Program, should register him at their local public school for special education services. SEE 5 BASIC STEPS IN ENROLLING A HANDICAPPED CHILD IN A SPECIAL EDUCATIONAL PROGRAM.

VISUAL IMPAIRMENT (BLIND OR PARTIALLY SEEING)

DEFINITION:

"The child's visual impairment is such that he cannot develop his educational potential without special services and materials".
(Rules and Regulations ... Article 9.16)

A blind child's vision is so limited that he cannot use it as a means to learn. He may have some vision, and may see well enough to walk around without any difficulty - but it does not help him to learn, even from very large print. As a result, he must learn everything through his hearing or sense of touch, and at times, through his sense of smell.

In the State Rules and Regulations...a blind child is referred to as a child with a "severe visual impairment".

A partially seeing child's vision is usually no better than 20/70 in better eye with glasses, but he can use his limited sight to learn with the assistance of special instruction and special materials.

In the State Rules and Regulations ... a partially seeing child is referred to as a child with a "moderate visual impairment".

ELIGIBILITY:

The local public school district decides whether or not a child is eligible for special education services - and what kind of services he needs. The decision is made at a multidisciplinary staff conference by the following people:

- Representatives of the sending school.
- Special education director or his representative.
- All school personnel involved in evaluating the child.
- All those responsible for providing appropriate special education services.
- Others who have a current educational interest.

(Rules and Regulations ... Article 9.15)

Parents are to be notified of the conference and given an opportunity to attend and participate.

(Rules and Regulations ... Article 9.15)

The decision on eligibility is made after a case study evaluation which includes:

- An interview with the child.
- Consultation with the child's parents.
- Social developmental study.
- Academic history and current educational functioning.
- Medical history and current health status.
- Vision and hearing screening.
- Educational evaluation of the child's learning processes and level of schievement.
- Assessment of the child's learning environment.
- Special evaluations specific to the child's problems.

(Rules and Regulations ... Article 9.09)

CASE-STUDY, EVALUATION AND PLACEMENT DEADLINE:

The school district must make a decision regarding the child's eligibility for special education and the kind of program he needs - within 60 days of the referral date or 60 days of application.

The child must be placed in a special education program as soon as possible after the multidisciplinary staff conference, but no later than the beginning of the next school semester.

Parents have the right to object to a proposed placement and to appeal to the State - the Illinois Office of Education - for a review of the placement decision if the case cannot be resolved at the local level.

(Rules and Regulations ... Articles 9.20, 923, 924)

CLASS SIZE:

No more than 8 students with severe visual impairment are allowed per class.

No more than 12 students with moderate visual impairment are allowed per class. Exceptions are allowed in the following cases:

- To meet unique circumstances which occur during the school year, when enrollment may be increased by a maximum of 2 students.

- In programs which provide a full-time, non-certified assistant, when enrollment may be increased by a maximum of 5 students. All other exceptions require the written approval of the Illinois Office of Education.
(Rules and Regulations ... Article 4.04)

AGE REQUIREMENT:

Children 3 to 21 years old are eligible.
(Rules and Regulations ... Articles 3.03)

AGE RANGE:

The age range in any program cannot exceed 4 years, except by special approval from the Illinois Office of Education.
(Rules and Regulations ... Article 4.03)

INSTRUCTION TIME REQUIREMENT:

A minimum of 5 hours per school day is required.

Special reader services, braillists and typists are available as supportive services. (Rules and Regulations ... Article 5.01)

RE-EVALUATION:

An annual review of the child's placement and special education needs is required. The opinions of the parents and of the teacher are to be considered in this review. If further diagnostic evaluation is indicated and/or requested by the parents, the teacher, or other knowledgeable persons, it is to be completed within 60 school days.
(Rules and Regulations ... Article 9.25)

TO SECURE SERVICES:

If the child is already in school and parents believe he may be eligible for a program for the visually impaired, they should contact their local school nurse or principal. If he is not in school, they should register him at their local public school for special education services. (SEE 5 BASIC STEPS IN ENROLLING A HANDICAPPED CHILD IN A SPECIAL EDUCATIONAL PROGRAM.)

<u>HEARING IMPAIRMENT</u> (Deaf or Hard of Hearing)

DEFINITION:

"The child's residual hearing is not sufficient to enable him or her to under-

stand the spoken word and to develop language, thus causing extreme deprivation in learning and communication. Or, the child exhibits a hearing loss which prevents full awareness of environmental sounds and spoken language, limiting normal language acquisition and learning achievement."

(Rules and Regulations ... Article 9.16)

While the word "deaf" means to most people the lack of hearing, deafness is defined as a hearing loss which prevents a child from understanding language (the knowledge and use of words, not simply words poorly spoken) even with a hearing aid. Consequently, he requires special instructions.

In the State Rules and Regulations ... a deaf child is referred to as a child with a "severe auditory or hearing impairment".

In a hard of hearing child, the loss of hearing is not as severe as that of the deaf child, but the loss still interferes with his language development. Unless he receives special instruction for his language and school work, he will not be able to make full use of the regular school program.

In the State Rules and Regulations, a hard of hearing child is referred to as a child with a "moderate auditory or hearing impairment".

ELIGIBILITY:

The local public school district decides whether or not a child is eligible for special education services - and what kind of services he needs. The decision is made at a multidisciplinary staff conference by the following people:

- Representatives of the sending school.
- Special education director or his representative.
- All school personnel involved in evaluating the child.
- All those responsible for providing appropriate special education services.
- Others who have a current educational interest.

(Rules and Regulations ... Article 9.15)

Parents are to be notified of the conference and given an opportunity to attend and participate.

(Rules and Regulations ... Article 9.15)

The decision on eligibility is made after a case study evaluation which includes:

- An interview with the child.
- Consultation with the child's parents.
- Social developmental study.
- Academic history and current educational functioning
- Medical history and current health status.
- Vision and hearing screening.

. Educational evaluation of the child's learning processes and level of achievement.
. Assessment of the child's learning environment.
. Special evaluations specific to the child's problems

(Rules and Regulations ... Article 9.09)

Test instruments which do not stress spoken language must be used.

(Rules and Regulations ... Article 9.11)

CASE STUDY, EVALUATION, AND PLACEMENT DEADLINE:

The school district must make a decision regarding the child's eligibility for special education and the kind of program he needs - within 60 days of the referral date or 60 days of application.

The child must be placed in a special education program as soon as possible after the multidisciplinary staff conference, but no later than the beginning of the next school semester.

Parents have the right to object to a proposed placement and to appeal to the State - the Illinois Office of Education - for a review of the placement decision if the case cannot be resolved at the local level.

(Rules and Regulations ... Articles 9.20, 923, 924)

CLASS SIZE:

No more than 8 students with severe hearing impairment are allowed per class. No more than 12 students with moderate hearing impairment are allowed per class. Exceptions are allowed in the following cases:

. To meet unique circumstances which occur during the school year, when enrollment may be increased by a maximum of 2 students.

. In programs which provide a full-time non-certified assistant, when enrollment may be increased by a maximum of 5 students. All other exeptions require the written approval of the Illinois Office of Education.

(Rules and Regulations ... Article 4.04)

AGE REQUIREMENT:

Children 3 to 21 years old are eligible.

(Rules & Regulations ... Article 3.03)

AGE RANGE:

The age range in any program cannot exced 4 years, except by special approval from the Illinois Office of Education.

(Rules and Regulations ... Article 4.03)

INSTRUCTION TIME REQUIREMENT:

A minimum of 5 hours per school day is required.

RE-EVALUATION:

An annual review of the child's placement and special education needs is required. The opinions of the parents and of the teacher are to be considered in this review. If further diagnostic evaluation is indicated and/or requested by the parents, the teacher, or other knowledgeable persons, it is to be completed within 60 school days.
(Rules and Regulations ... Article 9.25)

TO SECURE SERVICES:

If the child is already in school and his parents believe he may be eligible for a class for the hearing impaired, they should contact their school nurse or principal. If he is not in school, they should register him at their local public school for special education services (SEE 5 BASIC STEPS IN ENROLLING A HANDICAPPED CHILD IN A SPECIAL EDUCATIONAL PROGRAM.)

PHYSICAL OR HEALTH IMPAIRMENT (Physically Handicapped)

DEFINITION:
The child exhibits a physical or health impairment, either temporary or permanent, which interferes with his learning and/or which requires adaptation of the physical plant.
(Rules and Regulations ... Article 9.16)

Any physical condition, illness or injury from any cause may be a physical handicap - provided that the disability is such that it's impossible or impractical for the child to participate in a normal classroom for all or some activities.

Children who are mentally handicapped - in addition to their physical handicap are eligible for special education as a multiply handicapped child, defined in another section of this handbook.

More typical physical handicaps are cerebral palsy, spina bifida, severe posture defects, arthritis, severe burns which physically cripple the child, muscular dystrophy.

In the State Rules and Regulations... a physically handicapped child is referred to as a child with a "physical or health impairment".

ELIGIBILITY:

The local public school district decides whether or not a child is eligible for special education services - and what kind of services he needs. The decision is made at a multidisciplinary staff conference by the following people.

. Representative of the sending school.
. Special education director or his representatives.
. All school personnel involved in evaluating the child.
. All those responsible for providing appropriate special education services.
. Others who have a current education interest.

(Rules and Regulations ... Article 9.15)

Parents are to be notified of the conference and given an opportunity to attend and participate.

(Rules and Regulations ... Article 11.11)

The decision on eligibility is made after a case study evaluation which includes:

. An interview with the child.
. Consultation with the child's parents.
. Social Developmental study.
. Academic history and current health status.
. Vision and hearing screening.
. Educational evaluation of the child's learning processes and level of achievement.
. Assessment of the child's learning environment.
. Special evaluations specific to the child's problems.

(Rules and Regulations ... Article 9.09)

CASE STUDY, EVALUATION, AND PLACEMENT DEADLINE:

The school district must make a decision regarding the child's eligibility for special education and the kind of program he needs - within 60 days of the referral date or 60 days of application.

The child must be placed in a special education program as soon as possible after the multidisciplinary staff conference, but no later than the beginning of the next school semester.

Parents have the right to object to a proposed placement and to appeal to the State - the Illinois Office of Education - for a review of the placement decision if the case cannot be resolved at the local level.

(Rules and Regulations ... Articles 9.20, 9.23, 9.24)

CLASS SIZE:

No more than 8 students are allowed per class. Exceptions are allowed in the following cases:

. To meet unique circumstances which occur during the school year, when enrollment may be increased by a maximum of 2 students.

In programs which provide a full-time non-certified assistant, when enrollment may be increased by a maximum of 5 students. All other exceptions require the written approval of the Illinois Office of Education.

(Rules and Regulations ... Article 4.04)

AGE REQUIREMENT:

Children 3 to 21 years old are eligible.

(Rules and Regulations ... Article 3.03)

AGE RANGE:

The age range in any program cannot exceed 4 years, except by special approval by the Illinois Office of Education.

(Rules and Regulations ...Article 4.03)

INSTRUCTION TIME REQUIREMENT:

A minimum of 5 hours per school day is required.

PHYSICAL THERAPY:

Must be provided as recommended by a licensed medical examiner.

(Rules and Regulations ... Article 5.01)

RE-EVALUATION:

An annual review of the child's placement and special education needs is required. The opinions of the parents and of the teacher are to be considered in this review. If further diagnostic evaluation is indicated and/or requested by the parents, the teacher, or other knowledgeable persons, it is to be completed within 60 school days.

(Rules and Regulations ... Article 9.25)

TO SECURE SERVICES:

If the child is already in school and his parents believe he may be eligible for a program for the physically or health impaired, they should contact their local school nurse or principal. If he is not in school, they should register him at their local public school for special education services. (SEE 5 BASIC STEPS IN ENROLLING A HANDICAPPED CHILD IN A SPECIAL EDUCATIONAL PROGRAM.)

LEARNING DISABILITY

DEFINITION:

"The child exhibits one or more deficits in the essential learning processes of perception, conceptualization, language, memory, attention, impulse con-

trol, or motor function."
(Rules and Regulations ... Article 9.16)

Children in this category are referred to in many terms. Some of the more frequently used are: Learning disorders, perceptually handicapped, brain damaged, minimal brain dysfunction or dyslexia.

They are children who should be able to learn as well as average or near average ability children. But because of some specific learning problem, they are unable to do so. Sometimes, they may be found to have some brain disorder or dysfunction.

They may be inattentive because they cannot pay attention, or they may have given up because they have difficulty no matter how hard they try. They may be fidgety - either because they can't help it or because they have become tense from repeatedly failing. But their difficulty is not due to mental retardation.

ELIGIBILITY:

The local public school district decides whether or not a child is eligible for special education services - and what kind of services he needs. The decision is made at a multidisciplinary staff conference by the following people:

- Representatives of the sending school.
- Special education director or his representatives.
- All school personnel involved in evaluating the child.
- All those responsible for providing appropriate special education services.
- Others who have a current educational interest.

(Rules and Regulations ... Article 9.15)

Parents are to be notified of the conference and given an opportunity to attend and participate.
(Rules and Regulations ... Article 9.15)

The decision on eligibility is made after a case study evaluation which includes:

- An interview with the child.
- Consultation with the child's parents.
- Social developmental study.
- Academic history and current educational functioning.
- Medical history and current health status.
- Vision and hearing screening.
- Educational evaluation of the child's learning processes and level of achievement.
- Assessment of the child's learning environment.
- Special evaluations specific to the child's problems.

. Psychological evaluation.
(Rules and Regulations ... Article 9.09)

Children with language deficits must be tested with instruments that do not stress spoken language.
(Rules and Regulations ... Article 9.11)

CASE STUDY, EVALUATION, AND PLACEMENT DEADLINE:

The school district must make a decision regarding the child's eligibility for special education and the kind of program he needs - within 60 days of the referral date or 60 days of application.

The child must be placed in a special education program as soon as possible after the multidisciplinary staff conference, but no later than the beginning of the next school semester.

Parents have the right to object to a proposed placement and to appeal to the State - the Illinois Office of Education - for a review of the placement decision if the case cannot be resolved at the local level.
(Rules and Regulations ... Articles 9.20, 9.23 & 9.24)

CLASS SIZE:

No more than 10 students are allowed per class in a full-time self-contained program, and no more than 20 students per teacher are allowed in a part-time program with an "itinerant" teacher or "resource" room. Exceptions are allowed in the following cases:

- To meet unique circumstances which occur during the school year, when enrollment may be increased by a maximum of 2 students.
- In programs which provide a full-time non-certified assistant, when enrollment may be increased by a maximum of 5 students. All other exceptions require the written approval of the Illinois Office of Education.

(Rules and Regulations ... Articles 4.04 and 5.01)

AGE REQUIREMENT:

Children 3 to 21 years old are eligible.
(Rules and Regulations ... Article 3.03)

AGE RANGE:

The age range in any program cannot exceed 4 years, except by special approval of the Illinois Office of Education.
(Rules and Regulations ... Article 4.03)

INSTRUCTION TIME REQUIREMENT:

Special education programs for children with learning disabilities may be either full-time programs in self-contained classrooms (generally for children with severe learning disabilities), or part-time programs (generally for children with moderate learning disabilities). Part-time services may be provided by an itinerant" teacher who serves several schools, or by a "resource room" teacher who serves primarily one school.

A minimum of 5 hours per school day is required for a full-time program. Part-time programs may be less than 50% of the school day. Individual instruction time may be adjusted to meet individual needs.
(Rules and Regulations ... Article 5.01)

TO SECURE SERVICES:

If the child is already in school and his parents believe he may be eligible for a program for the learning disabled, they should contact their local school psychologist, social worker, learning disabilities teacher or principal. If he is not in school, they should register him at their local public school for special education services. (SEE 5 BASIC STEPS IN ENROLLING A HANDICAPPED CHILD IN A SPECIAL EDUCATIONAL PROGRAM.)

EDUCATIONAL HANDICAP (Socially Maladjusted, Educationally Disadvantaged)

DEFINITION:

"The child exhibits educational maladjustment related to social or cultural circumstances." (Rules and Regulations ... Article 9.1f)

These children are referred to in many different ways. Some of them are: socially maladjusted, culturally deprived, or simply disadvantaged.

They are handicapped because of cultural deprivation, extreme poverty, frequent change in schools, or other similar reasons. They are far behind in school - and therefore need special instruction to "catch up".

They are not usually mentally retarded, although they may appear so, when not carefully evaluated to determine their learning potential.

ELIGIBILITY:

The local public school district decides whether or not a child is eligible for special education services - and what kind of services he needs. The decision is made at a multidisciplinary staff conference by the following people:

. Representatives of the sending school.
. Special education director or his representative.
. All school personnel involved in evaluating the child.
. All those responsible for providing appropriate special

education services.
. Others who have a current educational interest.
(Rules and Regulations ... Article 9.15)

Parents are to be notified of the conference and given an opportunity to attend and participate.
(Rules and Regulations ... Article 9.15)

The decision on eligibility is made after a case study evaluation which includes:

. An interview with the child.
. Consultation with the child's parents.
. Social developmental study.
. Academic history and current educational functioning.
. Medical history and current health status.
. Vision and hearing screening.
. Educational evaluation of the child's learning processes and level of achievement.
. Assessment of the child's learning environment.
. Special evaluations specific to the child's problems.
. Psychological evaluation.
(Rules and Regulations ... Article 9.09)

CASE STUDY, EVALUATION, AND PLACEMENT DEADLINE:

The school district must make a decision regarding the child's eligibility for special education and the kind of program he needs - within 60 days of the referral date or 60 days of application.

The child must be placed in a special education program as soon as possible after the multidisciplinary staff conference, but no later than the beginning of the next school semester.

Parents have the right to object to a proposed placement and to appeal to the State - the Illinois Office of Education - for a review of the placement decision if the case cannot be resolved at the local level.
(Rules and Regulations ... Articles 9.20, 9.23 & 9.24)

CLASS SIZE:

No more than 12 students are allowed per class at the primary level; no more than 15 students are allowed per class at the intermediate, junior high, or secondary levels. Exceptions are allowed in the following cases:

. To meet unique circumstances which occur during the school year, when enrollment may be increased by a maximum of 2 students.
. In programs which provide a full-time, non-certified assistant, when enrollment may be increased by a maximum of 5 students. All other exceptions require the written approval of the Illinois Office of Education.
(Rules and Regulations ... Article 4.04)

AGE REQUIREMENT:

Children 3 to 21 years old are eligible.
(Rules and Regulations ... Article 3.03)

AGE RANGE:

The age range in any program cannot exceed 4 years, except by special approval by the Illinois Office of Education.
(Rules and Regulations ... Article 4.03)

INSTRUCTION TIME REQUIREMENT:

A minimum of 5 hours per school day is required.

RE-EVALUATION:

An annual review of the child's placement and special education needs is required. The opinions of the parents and of the teacher are to be considered in this review. If further diagnostic evaluation is indicated and/or requested by the parents, the teacher or other knowledgeable persons, it is to be completed within 60 school days.
(Rules and Regulations ... Article 9.25)

TO SECURE SERVICES:

If the child is already in school and his parents believe he may be eligible for a program for the educationally handicapped, they should contact their school social worker, their school psychologist or principal, or their local public school. (SEE 5 BASIC STEPS IN ENROLLING A HANDICAPPED CHILD IN A SPECIAL EDUCATIONAL PROGRAM.)

BEHAVIOR DISORDER (Emotionally Disturbed, Emotional Problems)

DEFINITION:

"The child exhibits an affective disorder and/or adaptive behavior which significantly interferes with his learning and/or social functioning."
(Rules and Regulations ... Article 9.16)

Children with a behavioral disorder are sometimes referred to as: emotionally disturbed, children with emotional problems, emotional disorders, nervous disorders, or simply disturbed. A child could have a behavioral disorder and also have a learning disability. The same child could also be educationally handicapped. Such a child would be eligible for the program which would meet his most pressing needs.

ELIGIBILITY:

The local public school district decides whether or not a child is eligible for special education services - and what kind of services he needs. The decision is made at a multidisciplinary staff conference by the following people:

. Representatives of the sending school.

. Special education director or his representative.
. All school personnel involved in evaluating the child.
. All those responsible for providing appropriate special education services.
. Others who have a current educational interest.

(Rules and Regulations ... Article 9.15)

Parents are to be notified of the conference and given an opportunity to attend and participate.

(Rules and Regulations ... Article 9.15)

The decision on eligibility is made after a case study evaluation which includes:

. An interview with the child.
. Consultation with the child's parents.
. Social developmental study.
. Academic history and current educational functioning.
. Medical history and current health status.
. Vision and hearing screening.
. Educational evaluation of the child's learning processes and level of achievement.
. Assessment of the child's learning environment.
. Special evaluations specific to the child's problems.
. Psychological evaluation.

(Rules and Regulations ... Article 9.09)

CASE STUDY, EVALUATION, AND PLACEMENT DEADLINE:

The school district must make a decision regarding the child's eligibility for special education and the kind of program he needs - within 60 days of the referral date or 60 days of your application.

The child must be placed in a special education program as soon as possible after the multidisciplinary staff conference, but no later than the beginning of the next school semester.

Parents have the right to object to a proposed placement and to appeal to the State - the Illinois Office of Education - for a review of the placement decision if the case cannot be resolved at the local level.

(Rules and Regulations ... Articles 9.20, 9.23, 9.24)

CLASS SIZE:

No more than 8 students are allowed per class. Exceptions are allowed in the following cases:

. To meet unique circumstances which occur during the school year, when enrollment may be increased by a maximum of 2 students.

In programs which provide a full-time non-certified assistant, when enrollment may be increased by a maximum of 5 students. All other exceptions require the written approval of the Illinois Office of Education.
(Rules and Regulations ... Article 4.04)

AGE REQUIREMENT:

Children 3 to 21 years old are eligible.

AGE RANGE:

The age range in any program cannot exceed 4 years, except by special approval from the Illinois Office of Education.
(Rules and Regulations ... Article 4.03)

INSTRUCTION TIME REQUIREMENT:

A minimum of 5 hours per school day is required.

RE-EVALUATION:

An annual review of the child's placement and special education needs is required. The opinions of the parents and of the teacher are to be considered in this review. If further diagnostic evaluation is indicated and/or requested by the parents, the teacher or other knowledgeable persons, it is to be completed with 60 school days.
(Rules and Regulations ... Article 9.25)

TO SECURE SERVICES:

If the child is already in school and his parents believe he may be eligible for a program for behavior disorders, they should contact their school social worker, their school psychologist or principal, or their local public school. (SEE 5 BASIC STEPS IN ENROLLING A HANDICAPPED CHILD IN A SPECIAL EDUCATIONAL PROGRAM.)

MENTAL IMPAIRMENT (Mentally Retarded, Educable Mentally Handicapped, Trainable Mentally Handicapped)

"The child's intellectual development, mental capacity, adaptive behavior, and academic achievement are markedly delayed. Such mental impairment may be mild/moderate, severe, or profound."
(Rules and Regulations ... Article 9.16)

Children with a mental impairment are often referred to as retarded children, educable mentally handicapped or trainable mentally handicapped(TMH).

The EMH child is a mentally retarded child whose development has been delayed by any number of causes. He is often referred to as "slow", for he learns how to read and do simple math much later than other children.

Sometimes children who are not mentally retarded - but who have a learning disability, an educational handicap, a behavior disorder, a visual, hearing, or physical impairment - are mistakenly believed to be retarded, because they function as though they were.

The TMH child is more severely handicapped than the EMH child. But he can still benefit from a special program to train him to become socially adjusted and work in special employment.

ELIGIBILITY:

The local public school district decides whether or not a child is eligible for special education services - and what kind of services he needs. The decision is made at a multidisciplinary staff conference by the following people:

- Representatives of the sending school.
- Special education director or his representative.
- All school personnel involved in evaluating the child.
- All those responsible for providing appropriate special education services.
- Others who have a current educational interest.

(Rules and Regulations ... Article 9.15)

Parents are to be notified of the conference and given an opportunity to attend or participate.

(Rules and Regulations ... Article 9.15)

The decision on eligibility is made after a case study evaluation which includes:

- An interview with the child.
- Consultation with the child's parents.
- Social developmental study.
- Academic history and current educational functioning.
- Medical history and current health status.
- Vision and hearing screening.
- Educational evaluation of the child's learning processes and level of achievement.
- Assessment of the child's learning environment.
- Special evaluations specific to the child's problems.
- Psychological evaluation.

(Rules and Regulations ... Article 9.09)

CASE STUDY, EVALUATION AND PLACEMENT DEADLINE:

The school district must make a decision regarding the child's eligibility for special education and the kind of program he needs - within 60 days of the referral date or 60 days of your application.

The child must be placed in a special education program as soon as possible after the multidisciplinary staff conference, but no later than the beginning of the next school semester.

Parents have the right to object to a proposed placement and to appeal to the State - the Illinois Office of Education - for a review of the placement decision if the case cannot be resolved at the local level.
(Rules and Regulations ... Articles 9.20, 923. & 9.24)

CLASS SIZE:

No more than 12 students are allowed per class for children with mild/moderate mental impairment (EMH) at the primary level, no more than 15 students at the high school level. No more than 10 students with severe or profound mental impairment (TMH) are allowed per class at either primary or high school level.
(Rules and Regulations ... Article 4.04)

AGE REQUIREMENT:

Children 3 to 21 years old are eligible.
(Rules and Regulations ... Article 3.03)

AGE RANGE:

The age range in any program cannot exceed 4 years, except by special approval from the Illinois Office of Education.
(Rules and Regulations ... Article 4.03)

INSTRUCTION TIME REQUIREMENT:

A minimum of 5 hours per school day is required.

RE-EVALUATION:

An annual review of the child's placement and special education needs is required. The opinions of the parents and of the teacher are to be considered in this review. If further diagnostic evaluation is indicated and/or requested by the parents, the teacher or other knowledgeable persons, it is to be completed within 60 school days.
(Rules and Regulations ... Article 9.25)

TO SECURE SERVICES:

If the child is already in school and his parents believe he may be eligible for a program for the mentally impaired, they should contact their local school social worker, school psychologist, or principal. If he is not in school, they should register him at their local public school. (SEE 5 BASIC STEPS IN ENROLLING A HANDICAPPED CHILD IN A SPECIAL EDUCATIONAL PROGRAM.)

SPEECH AND/OR LANGUAGE IMPAIRMENT

DEFINITION:

"The child exhibits deviations of speech and/or language processes which are outside the range of acceptable deviation within a given environment and which prevent full social or educational development."
(Rules and Regulations ... Article 9.16)

A speech or language impaired child is one who has any kind of speech defect which can be improved through a speech correction program.

ELIGIBILITY:

The local public school district decides whether or not a child is eligible for special education services - and what kind of services he needs. The decision is made at a multidisciplinary staff conference by the following people:

- Representatives of the sending school.
- Special education director or his representative.
- All school personnel involved in evaluating the child.
- All those responsible for providing appropriate special education services.
- Others who have a current educational interest.

(Rules and Regulations ... Article 9.15)

Parents are to be notified of the conference and given an opportunity to attend or participate.
(Rules and Regulations ... Article 9.15)

The decision on eligibility is made after a speech and language case study evaluation which includes:

- Hearing screening.
- Medical history and current health status.
- Academic history and current educational functioning.
- Assessment of the child's speech and language by certified speech and language clinician.
- Interview with the child.

(Rules and Regulations .. Article 9.09)

CASE STUDY, EVALUATION, AND PLACEMENT DEADLINE:

The school district must make a decision regarding the child's eligibility for special education and the kind of program he needs - within 60 days of the referral date or 60 days of your application.

The child must be placed in a special education program as soon as possible after the multidisciplinary staff conference, but no later than the beginning of the next school semester.

Parents have the right to object to a proposed placement and to appeal to the State - the Illinois Office of Education - for a review of the placement decision if the case cannot be resolved at the local level.
(Rules and Regulations ... Articles 9.20, 9.23, & 9.24)

SPEECH AND LANGUAGE SERVICES INCLUDE:

- Screening and diagnosis
- Therapy
- Parent counseling
- Referral and follow-up

(Rules and Regulations ... Article 5.01)

CLASS SIZE:

A speech and language clinician may work with one or several children at the same time. The number of children seem by him/her must be based on the needs of the individual children. The case load of an individual speech and language clinician cannot exceed 80 students.
(Rules and Regulations... Article 5.01)

AGE REQUIREMENT:

Children 3 to 21 years old are eligible.
(Rules and Regulations .. Article 3.03)

AGE RANGE:

The age range in any program cannot exceed 4 years, except by special approval from the Illinois Office of Education.
(Rules and Regulations ... Article 4.03)

INSTRUCTION TIME REQUIREMENT:

There is no specific instruction time requirement for speech and language services. However, local school district must provide "instructional programs and supportive services appropriate to the educational needs of children..."

RE-EVALUATION:

An annual review of the child's placement and special education needs is required. The opinions of the parents and of the teacher are to be considered in this review. If further diagnostic evaluation is indicated and/or requested by the parents, the teacher or other knowledgeable persons, it is to be completed within 60 school days.
(Rules and Regulations ... Article 9.25)

TO SECURE SERVICES:

If the child is already in school and his parents believe he may be eligible

for a program for the speech and language impaired, they should contact their local school speech and language clinician, their school social worker, or principal. If he is not in school, they should register him at their local public school. (SEE 5 BASIC STEPS IN ENROLLING A HANDICAPPED CHILD IN A SPECIAL EDUCATIONAL PROGRAM.)

MULTIPLE IMPAIRMENT (Multiply Handicapped)

DEFINITION:

"The child exhibits two or more impairments, severe either in nature or total impact, which significantly affect his ability to benefit from the educational program."

(Rules and Regulations ... Article 9.16)

A multiple-impaired child has more than one hadicap. He may be mentally retarded and physically handicapped. Or he may be hard-of-hearing and have emotional problems. Or he may be deaf and blind. He may be any combination of these, or have a combination of handicaps listed in previous parts of this handbook.

ELIGIBILITY:

The local public school district decides whether or not a child is eligible for special education services - and what kind of services he needs. The decision is made at a multidisciplinary staff conference by the following people:

- Representatives of the sending school
- Special education director or his representative
- All school personnel involved in evaluating the child
- All those responsible for providing appropriate special education services
- Others who have a current educational interest

(Rules and Regulations ... Article 9.15)

Parents are to be notified of the conference and given an opportunity to attend or participate.

(Rules and Regulations ... Article 9.15)

The decision on eligibility is made after a case study evaluation which includes:

- An interview with the child
- Consultation with the child's parents
- Social developmental study
- Academic history and current educational functioning
- Medical history and current health status
- Vision and hearing screening

. Educational evaluation of the child's learning processes and level of achievement
. Assessment of the child's learning environment
. Special evaluations specific to the child's problems
. Psychological evaluation

(Rules and Regulations ... Article 9.09)

CASE STUDY, EVALUATION, AND PLACEMENT DEADLINE:

The school district must make a decision regarding the child's eligibility for special education and the kind of program he needs - within 60 days of the referral or 60 days of your application.

The child must be placed in a special education program as soon as possible after the multidisciplinary staff conference, but no later than the beginning of the next school semester.

Parents have the right to object to a proposed placement and to appeal to the State - the Illinois Office of Education - for a review of the placement decision if the case cannot be resolved at the local level.

(Rules and Regulations ... Articles 9.20, 923, & 9.24)

CLASS SIZE:

No more than 5 students are allowed per class. Exceptions are allowed in the following cases:

. To meet the unique circumstances which occur during the school year, when enrollment may be increased by a maximum of 2 students.
. In programs which provide a full-time non-certified assistant, when enrollment may be increased by a maximum of 5 students. All other exceptions require the written approval of the Illinois Office of Education.

(Rules and Regulations ... Article 4.04)

AGE REQUIREMENT:

Children 3 to 21 years old are eligible.

(Rules and Regulations ... Article 3.03)

AGE RANGE:

The age range in any program cannot exceed 4 years, except by special approval by the Illinois Office of Education.

(Rules and Regulations ... Article 4.03)

INSTRUCTION TIME REQUIREMENT:

A minimum of 5 hours per school day is required.

RE-EVALUATION:

An annual review of the child's placement and special education needs is required. The opinions of the parents and of the teacher are to be considered in this review. If further diagnostic evaluation is indicated and/or requested by the parents, the teacher, or other knowledgeable persons, it is to be completed within 60 school days.
(Rules and Regulations ... Article 9.25)

TO SECURE SERVICES:

If the child is already in school and the parents believe he may be eligible for a program for the miltiple impaired, they should contact the local school nurse, social worker, psychologist, or the principal. If he is not in school, they should register him at their local public school for special education services. (SEE 5 BASIC STEPS IN ENROLLING A HANDICAPPED CHILD IN A SPECIAL EDUCATIONAL PROGRAM.)

HOME AND HOSPITAL PROGRAM

DEFINITION:

Home/hospital program shall consist of instructional services which are provided by the school to a child in his home or in a hospital.
(Rules and Regulations ... Article 7.01)

ELIGIBILITY:

Any child with a health or physical impairment which will cause him to be absent from school for more than two consecutive weeks - in the opinion of a licensed medical examiner - is eligible.
(Rules and Regulations ... Article 7.02)

Any child whose educational needs are best met through the home-hospital program may be enrolled, with prior approval from the Illinois Office of Education.

The decision on eligibility is made after a homebound services case study evaluation which includes:

- Evaluation of the physical or health impairment by a licensed medical physician.
- Physician's estimate of the time required in homebound services.
- Review of the child's current educational status and academic needs.

(Rules and Regulations ... Article 9.09)

"Home/hospital services may begin as soon as eligibility has been established

and the child's physical and mental health permit."

AGE REQUIREMENT:

Children 3 to 21 years old are eligible.
(Rules and Regulations ... Article 3.03)

INSTRUCTION TIME REQUIREMENT:

A minimum of 5 hours per week is required for children in the home/hospital program on a temporary basis, except when a child's physician certifies that 5 hours a week is too many for the child.

Children who require the program for an extended time must receive sufficient instruction "to appropriately advance (their) basic educational development."
(Rules and Regulations ... Article 7.04)

Children receiving instruction through a home-telephone or similar device must receive not less than 2 hours per week of direct instruction.
(Rules and Regulations ... Article 7.06)

PRE-VOCATIONAL PROGRAM

DEFINITION:

"Prevocational programs consisting of organized instructional experiences, training experiences, and supportive services shall be provided to exceptional children whose future occupational adequacy can be enhanced by appropriate preparatory experiences."
(Rules and Regulations ... Article 6.01)

The pre-vocational program may also include supportive services offered by community, state, or federal agencies.
(Rules and Regulations ... Article 6.01)

Work experiences must occur during the school day, unless the nature of the work prevents it. Students generally cannot spend more than half of the school day in a work experience program, except by special approval from the Illinois Office of Education.
(Rules and Regulations ... Articles 6.04 and 6.05)

ELIGIBILITY:

The local public school district decides whether or not a student is eligible for the vocational program - and what kind of program he needs. The decision is made at a multidisciplinary conference by the following people:

. Representatives of the sending school.

. Special education director or his representative
. All school personnel involved in evaluating the child
. All those responsible for providing appropriate special education services
. Others who have a current educational interest

(Rules and Regulations ... Article 9.15)

Parents are to be notified of the conference and given an opportunity to attend or participate.

(Rules and Regulations ... Article 9.15)

CASE STUDY, EVALUATION, AND PLACEMENT DEADLINE:

The school district must make a decision regarding the child's eligibility for special education and the kind of program he needs - within 60 days of the referral date or 60 days of your application.

The child must be placed in a special education program as soon as possible after the multidisciplinary staff conference, but no later than the beginning of the next school semester.

Parents have the right to object to a proposed placement and to appeal to the State - the Illinois Office of Education - for a review of the placement decision if the case cannot be resolved at the local level.

(Rules and Regulations ... Articles 9.20, 9.23, and 9.24)

The prevocational program for an individual student must be adapted to his needs and must be developed in cooperation with the student and his parents.

(Rules and Regulations ... Article 6.03)

AGE REQUIREMENT:

Children 3 to 21 years old are eligible.

(Rules and Regulations ... Article 3.03)

RE-EVALUATION:

An annual review of the child's placement and special education needs is required. The opinions of the parents and of the teacher are to be considered in this review. If further diagnostic evaluation is indicated and/or requested by the parents, the teacher or other knowledgeable persons, it is to be completed within 60 school days.

(Rules and Regulations .. Article 9.25)

TO SECURE SERVICES:

If the parents believe their child may be eligible for the prevocational program, they should contact their public school principal.

SPECIAL EDUCATION SUPPORTIVE SERVICES

DEFINITION:

Special education supportive services are services provided by:

- Speech and language therapists
- School psychologists
- School social workers
- Special reader services
- Braillists and typists
- Physical and occupational therapists
- Itinerant teachers

(Rules and Regulations ... Article 5.01)

Special education supportive service instructional services (provided through an itinerant or resource room teacher can be provided to children with different handicaps only when the teacher is qualified and only if the needs of all students in the program can be met.

PSYCHOLOGICAL SERVICES

DEFINITION:

School psychological services include:

- Screening of school children to identify those with special needs.
- Psychological tests
- Counseling and other remedial measures for students, individually or in groups.
- Parent education.
- Prevention and rehabilitation services.
- Direct and indirect services.
- Consulting with teachers and other school personnel.

Services must be available "in an appropriate quantity to all children for whom the district is responsible."

(Rules and Regulations ... Article 5.01)

Psychological evaluations must be performed by a certified school psychologist knowledgeable in the language and culture of the child. Tests must be relevent to the child's culture.

(Rules and Regulations ... Article 9.11)

Test instruments which do not stress spoken language must be used for children with communication problems.

(Rules and Regulations ... Article 9.09)

Local school districts must assist parents in locating extended diagnostic services when these are needed. But no child can be denied special education services because his family is financially or otherwise unable to

obtain these services for him.
(Rules and Regulations ... Article 9.09)

When outside evaluations by qualified specialists have been done, they must be considered in determining a child's eligibility for special education services.
(Rules and Regulations ... Article 9.11)

AGE REQUIREMENT:

Children 3 to 21 years old are eligible.

RE-EVALUATION:

An annual review of the child's placement and special education needs is required. The opinions of the parents and of the teacher are to be considered in this review. If further diagnostic evaluation is indicated and/or requested by the parents, the teacher, or other knowledgeable persons, it is to be completed within 60 school days.
(Rules and Regulations ... Article 9.25)

TO SECURE SERVICES:

If the child is already in school and his parents believe he may be eligible for psychological services, they should consult their school psychologist, social worker, or principal. If he is not in school, they should register him at their local public school for special education services. (SEE 5 BASIC STEPS IN ENROLLING A HANDICAPPED CHILD IN A SPECIAL EDUCATION PROGRAM.)

SOCIAL WORK SERVICES

DEFINITION:

School social work services include:

- Identifying children who need social work services and participating in their case study evaluations
- Direct services to children
- Services to parents
- Assistance in the use of community services
- Direct and indirect services

(Rules and Regulations ... Article 5.01)

ELIGIBILITY:

School social work services must be provided by a qualified school social worker to and on behalf of students who need them.
(Rules and Regulations ... Article 5.01)

Services must be provided "in an appropriate quantity, to all children for whom the district is responsible."
(Rules and Regulations ... Article 5.01)

AGE REQUIREMENT:

Children 3 to 21 years old are eligible.
(Rules and Regulations ... Article 3.03)

TO SECURE SERVICES:

If the child is already in school, and his parents believe he may be eligible for social work services, they should contact their local public school social worker or the school principal. If he is not in school, they should register him at their local public school for special education services. (SEE 5 BASIC STEPS IN ENROLLING A HANDICAPPED CHILD IN A SPECIAL EDUCATION PROGRAM.)

SPECIAL EDUCATION SUMMER PROGRAM

Handicapped children in public schools may receive special education services during the summer months if the local public school district decides to provide a summer program.

Handicapped children in private schools may receive special education services during the summer months if the local public school district decides to provide additional tuition reimbursement for the summer program (under HB648, Article 14, Section 7.02 School Code of Illinois). To be eligible for summer tuition reimbursement, a handicapped child must be eligible for tuition reimbursement during the regular school year (under HB2671, Article 14, Section 7.02, School Code of Illinois).

Exceptions to the above are children enrolled in the Illinois Braille and Sight Saving School, Illinois School for the Deaf, and Illinois Children's Hospital School who are not enrolled in a summer program in those schools. These children may participate in a summer program - public or private - only if the local public school district approves such a program.

SERVICES FOR CHILDREN IN THEIR PRIMARY LANGUAGE

Before a child is given a comprehensive evaluation, the local school district shall be responsible for determining his primary language .
(Rules and Regulations ... Article 9.08)

Children whose primary language is other than English must be evaluated in their primary language by a qualified school psychologist competent in the child's cultural and linguistic background. If such a psychologist cannot be obtained, an interpreter must be used throughout the evaluation.
(Rules and Regulations ... Article 9.11)

Parents must be informed in English and in their primary language the results of their child's evaluation, the recommendation for placement, and their right to object to the proposed placement. They must also be informed of the steps they should follow to communicate their objections to appropriate officials.

MAINSTREAMING OF HANDICAPPED STUDENTS INTO THE REGULAR PROGRAM

The child shall be placed in the educational program most appropriate to his needs and least restrictive of his interraction with nonhandicapped children.

(Rules and Regulations ... Article 9.17)

Student receiving special education services must go to school in the same buildings as non-handicapped students. Special classes and separate schooling is permitted only when the nature or severity of the child's handicap prohibits education in regular classes.

(Rules and Regulations ... Article 3.04)

When a child is removed from a special education program and placed in a regular classroom, the local school district must help him make a successful transition. This includes providing needed supportive services - such as social work and psychological services - and continuing follow-up.

(Rules and Regulations ... Article 9.29)

TERMINATION OF SPECIAL EDUCATION PLACEMENT

"Special Education Programs and services may be terminated by the school district only after a complete review of the child's educational status determines that such programs and services are no longer required, that termination of such programs and services is in the best interest of the child or that the child was inappropriately placed."

(Rules and Regulations ... Article 9.29)

When a public school district decides to end a special education program or service, the parents must be notified at least 10 days in advance. They must also be given the chance to appeal the decision in an impartial due process hearing.

If the termination is at the parents' request, the school district must conduct a review to determine if this is in the child's best interest.

(Rules and Regulations ... Article 9.29)

GRADUATION OF HANDICAPPED STUDENTS

Although State Law mandated the education of handicapped children until the age of 21, if parents accept a diploma upon the child's completion of the high school program, the local school district is not obligated to educate him further, or to continue tuition reimbursement if he is attending a private school.

If parents feel their child has not progressed satisfactorily and needs more education, they have the right to refuse a diploma and a request a review of his case in a impartial due process hearing. (SEE IMPARTIAL DUE PROCESS HEARING.)

(Rules and Regulations ... Article 3.03)

EXCLUSION OF HANDICAPPED CHILDREN

No exceptional child between the ages of 3 and 21 may be permanently excluded, either by direct action of the Board of Education, by indication of the district's inability to provide an educational program, or by agreement between the parents and the district to allow the child to remain at home without an educational program.

(Rules and Regulations ... Article 2.04)

State law mandates the education of all handicapped children. All public school districts are required to provide for the education of any handicapped child within its district.

If a school district decides that a child's educational needs cannot be met through a public school special education program, it must provide an alternate placement - either in a private school or in a state operated facility. (SEE STATE-OPERATED OR NON-PUBLIC PROGRAM.)

(Rules and Regulations ... Article 8.01)

Until the alternate placement is made, the school district must provide an interim placement which is as appropriate to the child's needs as possible. Exceptions are allowed only if the child's behavior is a danger to himself or others, or if an interim program would not be in the best interest of the child. In no case may a handicapped child be without an educational program longer than 15 school days.

(Rules and Regulations ... Articles 10.19, 2.04)

SUSPENSION OR EXPULSION OF HANDICAPPED STUDENTS

Students may be expelled for "gross disobedience or misconduct" only. (The School Code of Illinois, Chapter 122, Section 10-22.6).
No student may be suspended for behavior or a condition due to his handicap.

(Rules and Regularions ... Article 2.04)

No child who has a handicap described in this handbook can be expelled unless he is dangerous to himself, to others, or to school property.

No child may be suspended longer than 10 days. Suspensions must be reported immediately to the parents or guardians with a full statement explaining reasons for the suspension and parents' rights to a review.

A student can be expelled only after his parents have been requested - by registered or certified mail - to appear at a board meeting hearing to

discuss their child's behavior. (The School Code of Illinois, Chapter 122, Section 10-22.6).

When there is evidence that mental illness may be the cause for expulsion or suspension, the Department of Mental Health must be invited to participate in the review. (The School Code of Illinois, Chapter 122, Section 10-22.6).

STATE-OPERATED OR PRIVATE PROGRAM (Illinois State Institutions or HB2671 Private School Program)

DEFINITION:

"If a child exhibits exceptional characteristics which are determined in a multidisciplinary staff conference to be so profound, complex, or otherwise unique that no special education program offered by the public schools can adequately or appropriately meet his or her needs, the student shall be referred for placement in either a state-operated or a private facility."

If parents are notified by the Board of Education that their child's handicap is so severe that he cannot be enrolled in any public school program, there is a state law which requires the Board of Education to pay up to $2,500 a year to send him to a qualified private school. This law is Article 14, Section 7.02 of the Illinois School Code, and is popularly known as HB2671. It came into effect in 1969, and the amount of tuition reimbursement at that time was $2,000 a year. It was increased to $2,500 a year in 1975.

The tuition reimbursement is not paid to the parents, but is paid directly to the school the child attends. The school may be a day school or a residential school - in the State of Illinois or in any other state. But it must be approved by the Illinois Office of Education and have a contract with the local Board of Education in order to receive the reimbursement.
(Rules and Regulations ... Article 8.05)

If the private school parent would like their child to attend does not meet these requirements, they should ask the director of the school to contact the IOE, Special Education Department, 100 North First St., Springfield, Ill. 62777.

A companion law to the tuition reimbursement law Article 14, Section 7.02 - allows the Board of Education to pay an extra $500 for summer school, if the private school the child attends has a summer program.

Transportation to private day schools is also provided, but not to residential schools.

HB 2671 is mandatory, but HB648 is permissive. This means the school dist-

rict must first have voted to participate in the summer program before the private school can receive payment for the child's summer program.

ELIGIBILITY:

To be eligible for private school tuition reimbursement, the following requirements must be met:

- The child must be enrolled in a public school.
- The local school district special education program must be in compliance with Article 14 of the School Code of Illinois (HB1407).
- The private school's program must be appropriate to the needs of the child.
- The private school must be licensed by the State of Illinois or an appropriate agency of the state in which the facility is located.
- The private school must be registered with the Illinois Office of Education and meet its standards.
- The private school must be within the United States.
- The private school must provide an education program for at least 176 days per year.

(Rules and Regulations ... Article 8.05)

RESPONSIBILITIES OF THE SCHOOL DISTRICT:

The school district is responsible for providing special education services for every child regardless of severity of handicap. The state provides special funds for severely handicapped children in public schools who require 'extraordinary services' Article 14, (HB4366). If the school district does not approve a child for tuition reimbursement to a private school, it must place him in a public school program that meets his needs.

Although parents may participate the local school district is responsible for locating an appropriate private school or state operated facility, and for referral to that facility. The school district is also responsible for determining whether or not the placement is an appropriate one.

(Rules and Regulations ... Article 8.04)

Until the private school placement is made, the school district must provide the child with "an interim educational program appropriate to his or her needs as possible."

(Rules and Regulations ... Article 10.19)

RIGHTS OF CHILDREN AND PARENTS IN PRIVATE SCHOOL PLACEMENTS:

The child's private school placement must be approved by his parents. They have the right to reject the school district's recommendation for private school placement. If they do, the child must be provided with an appropriate educational program in the public schools.

Although parents have the right to reject placement in a private school, they do not have the option to insist on it; nor do they have the option to require placement in a facility which has not been recommended by the school district. Parents who independently place their child in a private facility - without state approval for tuition reimbursement - must assume financial responsibility for the placement.

(Rules and Regulations ... Article 8.04)

Handicapped children in private schools receiving tuition reimbursement have the same rights as children attending public schools. This includes the right to confidentiality of student records and the right to due process.

(Education for all Handicapped Children Act)

All private school placements must be reapproved by the Illinois Office of Education on an annual basis.

(Rules and Regulations .. Article 8.06)

DUAL PLACEMENT:

Dual placement in a public and private school is allowed only when:

- the student is being reintegrated into the public shools
- the student is over 16 and receives part-time prevocational training in an appropriate private program.

(Rules and Regulations ... Article 8.04)

STATE-OPERATED PROGRAM:

When the local school district recommends a residential program, a state-operated program is given first consideration if it is available and appropriate to the child's needs. The final recommendation should be whatever program (private or state-operated) can best meet the needs of the child.

(Rules and Regulations ... Article 8.04)

TRANSPORATION:

Transportation is provided through the local school district for all handicapped children in private day school only.

(Rules and Regulations ... Article 8.09)

IMPARTIAL DUE PROCESS HEARING

DEFINITION:

When there are differences between the local school district and the parents, guardians, or persons having primary care and custody of the handicapped child which cannot be resolved through the procedures regularly utilized by the district, an impartial due process hearing may be requested.

(Rules and Regulations ... Article 10.01)

Parents who are dissatisfied with their child's placement-or proposed placement - have the right to an IMPARTIAL DUE PROCESS HEARING.

PARENTS MAY REQUEST A HEARING FOR ANY OF THE FOLLOWING REASONS:

- Their objection to a proposed case study evaluation.
- Failure of the school district to provide a case study evaluation.
- Failure of the school district to consider evaluations by qualified professionals outside the district.
- Their objection to a proposed special education placement.
- Their objection to a continuing placement.
- Their objection to a major change in the program or placement of their child.
- Termination of their child's program or supportive service.
- Failure of the school district to provide a special education program consistent with the finding of the case study evaluation and the recommendations of the staff conference.
- Failure of the school district to place their child in a program with children who are not handicapped - if this is appropriate to the child's needs.
- Special education program or services in an amount insufficient to meet the child's needs.
- Suspension of their child for 10 days or longer - while he is in a special education program or supportive service, or waiting for these services.
- Reasonable belief that their child has been suspended or expelled for behavior which is due to a handicap described in this handbook.
- Recommendation of graduation of their child.
- Their challenge to the content of their child's school records.
- Failure of the school district to comply with any of the State Rules and Regulations and the School Code of Illinois.

(Rules and Regulations ... Article 10.01)

The school district must inform parents of their right to an impartial hearing, and the procedures to follow to request it.

(Rules and Regulations ... Article 10.02)

PROCEDURE:

The request for a review must be made in writing to the public school district superintendent.

(Rules and Regulations ... Article 10.03)

RESPONSIBILITIES OF THE LOCAL SCHOOL DISTRICT:

Within 5 school days of a request for a hearing, the local school district must schedule a conference to review the proceedings, findings and recommendations to date. If the controversy cannot be resolved at this conference, a hearing must be scheduled. A certified letter requesting the appointment of an impartial hearing officer must be sent immediately to the

Illinois Office of Education, with a copy to the parents.
(Rules and Regulations ... Article 10.04)

RESPONSIBILITIES OF THE ILLINOIS OFFICE OF EDUCATION:

Within 5 calendar days of the appointment of the hearing officer, he must set a time and place for the hearing. He must set it no later than 30 school days after his appointment unless he permits an extension due to extenuating circumstances.
(Rules and Regulations ... Article 10.06)

The IOE must provide written notification about the time and place of the hearing to the local school district not less than 10 calendar days before the hearing. The notification must be in English and in the language of the home, and must notify parents of the following:

- that they may have access to all school records and obtain copies of the records at cost of copying.
- that they may designate a person who may also have access to the records and copies.
- that they may require the attendance at the hearing of any school employee who may have relevant information.
- that they may bring representatives, legal counsel, agency representatives, or others, to the hearing, and have them participate.
- that the educational status of the child will not be changed unless the hearing officer decides it would endanger the child or others not to do so.

(Rules and Regulations ... Article 10.07)

PROCEDURES AT THE REVIEW HEARING:

- An interpreter must be provided for deaf persons and persons whose primary language is other than English
(Rules and Regulations ... Article 10.09)

- Parents or guardians and children over 16 have the right to present any relevant testimony.
(Rules and Regulations ... Article 10.09)

- A typewritten record by a court reporter - or a tape with typewritten transcript must be made. Parents may receive a copy of the recording upon request, at cost.
(Rules and Regulations ... Article 10.14)

- Parents or guardians and their representatives, and the local school district representatives have the right to question all witnesses.
(Rules and Regulations ... Article 10.12)

- The hearing must be closed to the public.
(Rules and Regulations ... Article 10.08)

HEARING DECISION:

The hearing officer's decision must be communicated to the parents in writing by certified mail in the primary language of the home and in English; within 10 school days of the end of the hearing.

(Rules and Regulations ... Article 10.15)

APPEAL:

The decision may be appealed to the IOE by parents and by the school district. The appeal request must be made in writing to the local school district superintendent within 15 school days of the decision (this may be extended to 30 days for extenuating circumstances). The IOE decision must be given within 30 school days of the request for appeal, by certified mail, to parents, school district and hearing officer.

(Rules and Regulations ... Article 10.22, 10.23)

PARENTS' RIGHTS TO INSPECT THEIR CHILD'S SCHOOL RECORDS

"No funds shall be made available under an applicable program to any educational agency or institution which has a policy of denying, or which effectively prevents, the parents of students who are or have been in attendance at a school of such agency or at such institution, as the case may be, the right to inspect and review the education records of their children."

(Family Educational Rights and Privacy Act, as amended sec. 438 of the General Education Provisions Act .. 20 USC, 1232-g)

PARENTS HAVE THE RIGHT TO:

- Inspect their child's school records.
- Examine all information contained in the records.
- Challenge the content of the records.
- Ask for correction or deletion of any inaccurate, misleading or inappropriate data.
- Insert into the records a written explanation of their own about the contents.
- Privacy as to the contents of the records.
- Obtain copies of their child's records at cost.
- Designate, in writing, a person who may have access to their child's school records.
- Have their request to examine records granted within 45 days.

NO INFORMATION CONTAINED IN THEIR CHILD'S SCHOOL RECORDS CAN BE RELEASED WITHOUT THE WRITTEN PERMISSION OF THE PARENTS - Except Directory Information.

THE ABOVE RIGHTS APPLY TO:

- Public Schools.
- Public Institutions.
- Private Schools (if they receive public funds).
- Private Institutions (if they receive public funds).

Parents can still have access to their child's school records or challenge their contents even if their child is no longer in attendance at the school or institution.

When a student reaches the age of 18 or enrolls in a post-secondary education program, he assumes the rights his parents formerly had. He then has the right to access and confidentiality of his school records; and his parents no longer have this right - except by written permission from him. However, state laws in Maine, Idaho, and New Mexico permit students of any age to inspect and challenge their school records.

The right to inspect their child's school records and the right to confidentiality is guaranteed under:

- The U.S. Family Educational Rights and Privacy Act of 1974.
- The Education for All Handicapped Children Act (P.L. 94-1420).
- The Illinois School Student Records Act (HB1864 - P.A. 79-1108).

SPECIAL EDUCATION SERVICES FOR CHILDREN IN RESIDENTIAL CARE FACILITIES

"The purpose of Section 14-7.03 of the School Code of Illinois shall be considered to be to assure equal access to educational opportunity for exceptional children living in residential care facilities."
(Rules and Regulations ... Article 15.01)

HANDICAPPED CHILDREN WHO ARE RESIDENTS OF:

- Orphanages
- Children's homes
- Foster family homes
- State residential homes
- Institutions
- Detention homes

Are eligible for the same educational benefits as other children living in their own homes.

Are entitled to all privileges and services provided by the local school district, if they are enrolled in that district.

Are subject to all rules, regulations, and policies of the local school district.

Are entitled to be part of a program that integrates them into the ongoing special education program

Are entitled to an educational program at the resident facility that meets their needs.

Are entitled to a program which is in compliance with the State Rules and Regulations. (Programs must be in compliance in order to be eligible for state funds.)

(Rules and Regulations ... Articles 15.10, 15.11, 15.07, 15.12, 15.05)

TRANSPORTATION OF HANDICAPPED CHILDREN

"Each child who exhibits one or more exceptional characteristics as described in Article XIV of The School Code of Illinois shall be eligible for special transportation. Such transportation shall be provided as the child's exceptionalities or the program location may require."

(Rules and Regulations ... Article 13.01)

"Special transportation shall be scheduled in such a way that a child's health and ability to relate to the educational experiences provided for him are not adversely affected. Every effort should be made to limit the child's total travel time to not more than one hour each way to and from the special education facility."

(Rules and Regulations ... Article 13.04)

ELIGIBILITY:

Any child who has a handicap described in this handbook is eligible for transportation to his special education program in:

- public school
- private day school

(Transportation to residential schools is not provided)

5 BASIC STEPS IN SECURING SPECIAL EDUCATION SERVICES FOR A HANDICAPPED CHILD

1. Awareness of Rights: The parent/guardian of a child should read about the child's educational rights which are explained in this Handbook. It is based on the following materials: Illinois School Code, Article 14; Illinois State Rules and Regulations Governing the Administration and Operation of Special Education.

2. Registration for Special Education: If a child (age 3 to 21) suspected of needing special education services is not in school, the parent/guardian should register him (as a child needing special education services)

at the local public school. The parent/guardian should take to the school his birth certificate and a copy of this Handbook. If the child is already attending school, the parent/guardian or school personnel should request an evaluation by talking with the child's teacher, the school social worker, psychologist, etc., or the principal.

3. Evaluation: The parent/guardian must be notified of the school's decision to evaluate or not to evaluate a child, and the reasons behind the decision.

   If the school decides to conduct an evaluation, it will be conducted according to the nature of problems causing the referral. An evaluation can be as simple as a speech and language test or as extensive as a psycho-social study or educational evaluation, a neurological, a speech and hearing assessment, and a complete medical evaluation. (Rules and Regulations, Section 9.09) The evaluation must not be biased in language, culture, race or sex. Information from qualified professional sources outside the school shall be considered in determining the need for special education services.

4. Multidisciplinary Staff Conference: After the child has been evaluated, the local school personnel, the parent/guardian, and other involved professionals will decide on the child's eligibility for special education and the type of services he needs. The parent/guardian must be informed before the conference of its time and place, and afterward, of the results. The opinions of the parent/guardian are to be an important part of this conference. Interpreters are to be provided if necessary.

5. Placement: If the parent/guardian agrees to the proposed plan, the child must be placed in the appropriate special education program as soon as possible but no later than the beginning of the next school semester.

THE ILLINOIS INDIVIDUAL CARE GRANT PROGRAM

The Individual Care Grant Program is a financial assistance program for residents of Illinois whose developmentally disabled children or mentally ill children require residential care. The State Grant pays for the cost of care in a licensed private residential facility from funds provided by the Department of Public Aid (DPA) or the Department of Mental Health and Development Disabilities (DMH/DD).

AMOUNT:

The specific amount paid for each child is based on the DPA point system, which is related to the type of licensing the facility has and the amount of nursing care the child receives. The state grant is paid directly to the facility.

The parents'/guardians' portion of the residential care cost is dependent on their income and the number of children in the family. State law (HB 598, Mental Health Code, Article 12-12-1) limits the liability of parents/guardians to $100 per month, no matter how high their income. Parents with low incomes pay much less, or nothing at all.

TO BE ELIGIBLE:

- DMH/DD must determine that residential placement is in the best interest of the child and his family.
- Parents must be residents of Illinois.
- The proposed facility must be a state licensed private residential facility in Illinois or out of state. The licensing is provided through the Department of Children and Family Services (for children) or the Department of Public Health (for Adults).

  The facility can be a:

  - Residential school
  - Shelter care home
  - Nursing home
  - Foster home

- Group care home

- Child care institution

. The proposed facility must meet all state requirements and be approved for placement of children receiving financial assistance under the Individual Care Grant Program.

. DMH/DD must determine that the proposed facility offers a program suitable to the child's needs and that the program is equal to or better than state operated residential programs.

. The child must be under 21 years of age.

. The child must not be receiving public aid.

. The child must not be a ward of the State (State wards receive financial assistance through the DCFS - who pay the entire cost of care directly to the facility).

TO APPLY:

Parents/guardians should contact their local DMH/DD region office. In Chicago, contact:

The Institute for Development Disabilities
1640 West Roosevelt Road
Chicago, Illinois 60608
(312) 341-8253

Or write:

Purchase Care Unit for Community Placement
Department of Mental Health and Development Disabilities
Division of Information Services
401 South Spring Street, Room 421
Springfield, Illinois 62706

TO APPEAL:

Parents/guardians whose application for an Individual Care Grant has been denied may appeal to:

Hearing and Appeals Branch
Department of Mental Health and Developmental Disabilities

401 South Spring Street
Springfield, Illinois 62706

The appeal must be made in writing and must be made within 90 days of determination date.

RESPONSIBILITIES OF DMH/DD:

The DMH/DD Region and Sub-Region staff is responsible for monthly evaluations of all child care facilities in Illinois receiving Individual Care Grant funds, and all Illinois children who are residents of these facilities. The purpose of the monthly evaluation is to:

- Observe the children
- Protect the children against abuse or neglect
- Determine whether the program meets the needs of the child
- Provide appropriate assistance to the facility in funding, staffing, program, maintenance of family contact, special problems, etc....
- Assure appropriate use of state funds.

RESPONSIBILITIES OF STATE DMH/DD INCLUDE:

- Providing information and policy direction on the Individual Care Grant Program to DMH/DD regions
- Maintaining and disseminating information on all facilities providing residential care to all regions
- Acting as liaison between regional offices and other state and private agencies
- Providing consultation and assistance to Region Staff
- Monitoring out-of-state facilities and Individual Care Grants residents not covered by Region/Sub-Region Staff
- Conducting workshops or seminars for continued training Region/Sub-Region Staff.

APPLICATION PROCEDURE:

- Pre-screening of applicant for possible eligibility for Public Aid funding
- Referral to Social Security Administration for application for Supplemental Security Income funding (SSI)
- Referral to the local Board of Education for application for the State Tuition Reimbursement Program (HB2671, School Code of Illinois, Article 14, Section 7.02)

SUPPLEMENTAL SECURITY INCOME (SSI)

SUPPLEMENTAL SECURITY INCOME IS:

- An amendment to the Social Security Act (title 16), which provides for a federal take-over of state programs of assistance to the disabled and aged 65 and over.
- Although Supplemental Security Income is administered by the U.S. Social Security Administration, it should not be confused with regular social security - which is paid as retirement benefits, as survivors' benefits, or to persons who have become disabled after several years of gainful employment
- SSI is designed for needy aged and for those whose disability has prevented them from gainful employment (and thus from earning regular social security). It came into effect January, 1974.

WHO IS ELIGIBLE:

- Persons who have a physical or mental disability which prevents gainful employment (if adult)
- Needy persons 65 years of age or older
- Physically or mentally handicapped children living at home (depending on parents' income), up to age 18 (if in school, up to age 22)
- Physically or mentally handicapped children in private institutions or residential homes - regardless of parents' income
- Persons receiving regular social security whose payments are less than $187.80 per month ($167.80 S.S. payments + $20 unearned income allowance). Exceptions are persons residing in states which provide supplementary allowances, in which case minimum income requirements will be higher
- Residents of the United States whose income is $187.80 per month (including $20 of unearned income) or less $251.80 for couples).

NOT ELIGIBLE:

- Residents of public institutions - unless Medicaid is paying at least 50% of the care. With Medicaid, payable amount is then only $25 per month, instead of $167.80 (residents of private institutions are eligible for full amount unless Medicaid is paying for their care, in which case payments are only $25 per month).
- Persons receiving regular social security whose payments are more than $187.80 per month. Exceptions are persons in states providing supplementary allowances.
- Persons whose income exceeds $187.80/month. (this amount includes unearned income).

THE AMOUNT RECEIVED:

- Is a minimum of $167.80 per month for individuals
- Is a minimum of $251.80 per month for couples
- By disabled or aged who live in another person's household where they are receiving substantial support and maintenance is reduced by 1/3
- By disabled children living with their parents is computed on basis of

THE AMOUNT RECEIVED

- Is a minimum of $177.80 per month for individuals
- Is reduced by 1/3 if the disabled or aged person lives in another person's household where he is receiving substantial support and maintenance. (see next Section HOW TO QUALIFY FOR FULL AMOUNT WHEN LIVING IN ANOTHER PERSON'S HOUSEHOLD)
- Is a minimum of $266.80 per month for couples
- Is not dependent on parents' income if recipient is adult.
- Is computed on the basis of parents' income for mentally or physically handicapped children living at home, up to 18 (up to age 22 if in school).
- Is paid monthly, except for payments under $10, when payment may be made less frequently.
- Is suspended to anyone living outside the United States for more than 1 month.

HOW TO QUALIFY FOR FULL AMOUNT WHEN LIVING IN ANOTHER PERSON'S HOUSEHOLD

To qualify for the full amount - without the 1/3 reduction - when living in parents' or another person's household, the SSI recipient must meet at least one of the following conditions:

- Provide evidence of an ownership interest in the home. Ownership may be held individually or jointly.
- Provide evidence of rental liability for the household.
- Pay at least his pro-rata share of specified household operating expenses.
- Not receive both support and maintenance (food and shelter) from the parent or householder.

DIRECT DEPOSITS

Checks can be deposited directly by the Social Security Administration to:

- Checking Account/Savings Account
- State chartered Credit Union Savings Account

INCOME ALLOWED

- Up to $85 a month in earned income (employment) without deductions. One-half of additional earned income is deducted from SSI payments.
- Up to $20 a month in unearned income (income received through means other than employment) without deductions. The total amount of additional unearned income is deducted from SSI payments.

EARNED INCOME IS DEFINED AS

- Income received through employment or Income received through business

UNEARNED INCOME IS DEFINED AS

- Support and maintenance from another person - in cash or in kind.
- Social Security Payments
- VA Benefits
- Pensions
- Insurance Payments
- Savings Account Interest
- Stock Dividends
- Lottery or raffle winnings
- Sizeable Gifts
- Other Income which has not been earned

PROPERTY AND ASSETS ALLOWED WITHOUT DEDUCTIONS

- Household furnishings
- Personal effects
- A home (no matter what the value)
- Other property essential for self-support
- A car - if used for medical or employment purposes.

RESOURCES ALLOWED (in value up to $1,500 for individuals and $2,250 for couples)

- Cash
- Stock
- Bonds
- Life insurance whose face value is $1,500 or less. If the face value is over $1,500, the cash surrender value is deductible.

EXCLUSIONS ALLOWED THE DISABLED ONLY (Not counted as a deductible resource)

- Work expenses for blind only
- Any amount needed for self-support program such as schooling, training, vocational and work programs.

EXCLUSIONS ALLOWED TO ALL

- Tuition portions of scholarships
- Student earnings
- Foster care payments to parents
- Other exclusions deemed essential for self-support

SUPPLEMENTAL SECURITY INCOME DOES NOT REQUIRE

- Liens on homes
- A "relative responsibility" provision. Sons and daughters and other responsible relatives are not held responsible for support.

VOCATIONAL REHABILITATION AND TRAINING REFERRAL

- Is mandatory for all applicants, for evaluation and possible vocational counseling, vocational training, and help in finding employment.

CHANGES IN ANY OF THE FOLLOWING MUST BE REPORTED IMMEDIATELY TO THE SOCIAL SECURITY ADMINISTRATION

- Change of residence or mailing address
- Move into another person's household
- Confinement in or release from an institution
- Travel outside the U.S. for more than 30 days
- Marriage, separation (6 months or longer) divorce, annulment, death of spouse
- Increases or decreases in earned or unearned income
- Purchase or sale of real or personal property worth more than $1,500 ($2,500 for couples)
- Improvement in disability condition
- Change in school attendance for persons over 18
- Inability to manage own funds
- Death of recipient

REDETERMINATION OF ELIGIBILITY

- Will be made every year.

MEDICAID BENEFITS, FOOD STAMPS, AND SOCIAL WORK SERVICES

- Are determined and administered by the states, not the federal Social Security Administration.
- Must be applied for at the local Public Aid Office.

TO APPLY FOR SSI

- Apply at the local Social Security Office

TO APPEAL

- File a request within 60 days for a reconsideration - with the local Social Security Office.
- File a request within 60 days for a hearing before an administrative law judge - with the local Social Security Office.
- File a request within 60 days for a review by the Appeals Council - with the local Social Security Office.
- Final action on appeals is taken into Federal Court.

FOR FURTHER INFORMATION CONTACT:

- The local Social Security Office
  Chicago telephone numbers North Side (312) 725-8838
  South Side (312) 239-1200

SOCIAL SECURITY BENEFITS FOR HANDICAPPED CHILDREN AND ADULTS

Two kinds of social security benefits are available for the handicapped:

- Benefits for those disabled since childhood - available through the social security of their parents (or grandparents, if they were guardians of the child)

- Benefits for those disabled as adults - available through their own social security.

BENEFITS FOR THOSE DISABLED SINCE CHILDHOOD:

WHO IS ELIGIBLE:

- A worker parent (or grandparent, if they were guardians of the child) either through retirement, disability or death of working spouse.

- Those who have become disabled before their 22nd birthday - and have remained disabled since then

- Those whose disability is so severe it prevents them from doing any substantial work for pay

- Those who are single when payments start (benefits generally stop after marriage, but there are exceptions).

Persons disabled before the age of 22 need no social security work credits since payments are based on the earnings of a working parent.

Benefits will continue as long as they are disabled, and meet the above requirements. If the disability is permanent, benefits will last a lifetime, and will continue after the parents' death. Unlike benefits for non-handicapped children, benefits will not be terminated at the age of 18 (or 22 for those attending school full time).

If benefits are terminated because they have recovered from their disability, they may be resumed if the disability reoccurs within 7 years.

HOW TO APPLY:

. Applicants must go to their local social security office. Addresses and phone numbers are listed in the phone book, under UNITED STATES GOVERNMENT, Health, Education, and Welfare.

Metropolitan Chicago General Information Phone No. is

(312) 725-8838.

. Applicants will need:

- Sources of medical evidence that their disability is permanent and too severe for gainful employment

- Sources of evidence that the disability began before 22 years of age and has continued

- Proof of age (copy of birth certificate).

- Proof of the relationship of the disabled to his parents (copy of marriage certificate, birth certificate, etc...)

- Proof of the relationship of the disabled to his parents if child is adopted or a step-child (adoption papers, etc...)

APPLICANTS MUST RE-APPLY:

At least 3 months before the child's 18th birthday to avoid interruption of payments (payments for non-handicapped children automatically stop at 18).

DISABLED OVER AGE 18 WHO HAVE NOT APPLIED:

Should still apply for social security benefits. Back payments will be made up to 1 year.

THE AMOUNT OF BENEFITS WILL BE DETERMINED BY...

Average earnings of eligible parent during his working period.

BENEFITS WILL BE PAID TO:

- Disabled person if he is able to handle money
- His parents, if disabled is unable to handle the money
- Guardian or social welfare agency - if disabled person is unable to handle money and his parents are dead.

BENEFITS FOR MOTHERS (Widows or divorced wives of eligible workers)

Additional benefits will be paid to the mother - whether widowed or divorced - if the handicapped person is in her care. Amount will be similar to the amount the child receives.

Benefits will not be paid to the mother if the child lives in an institution, residential school, sheltered care home, nursing home, or in another place not his mother's home.

MEDICARE BENEFITS:

ARE ALSO available for those disabled before the age of 22. Benefits include:

- Inpatient hospital care and certain kinds of followup care
- Doctors' services
- Outpatient services
- Certain medical items and services not covered by hospital insurance.

BENEFITS FOR THOSE DISABLED AS ADULTS

WHO IS ELIGIBLE:

Disabled who have worked under social security for at least 5 years or 20 calendar quarters if over 31 years old. The 20 calendar quarters need not be consecutive, but must fall within a 10-year period. If under 31 years old, work credit is needed for half the time between 21 and the time of disability.

- Those disabled for at least 5 months. Payments will be paid from the 6th full month of disability. (Those disabled more than 6 full months before application may be eligible for back payments.)
- Disabled whose disability is expected to last at least 1 year or expected to end in death
- Those so severely disabled - physically or mentally - as to prevent "any substantial gainful activity."
- Those who are expected to recover from their disability are still eligible if they meet the above requirements.

DISABLED WIDOW, WIDOWERS, OR THOSE DIVORCED FROM ELIGIBLE SPOUSES:

- Are eligible through the deceased workers' benefits. A disabled divorced person's marriage must have lasted 20 years or more in order to become eligible for benefits through the deceased worker.

MEDICAID BENEFITS:

- Are also available for disabled persons.

HOW TO APPLY:

- Apply at the local Social Security Office.

HOW TO APPEAL:

- File a request-within 6 months-for a reconsideration - with the local Social Security Office.
- File a request-within 6 months-for a hearing before the administrative law judge of the Bureau of Hearings and Appeals - with the Social Security Office.
- File a request within 6 months for a hearing with the Bureau of Hearings and Appeals - with the local Social Security Office
- Final action on appeals is taken in Federal Court.

FOR FURTHER INFORMATION CONTACT:

Local Social Security Office - Chicago phone number is (312) 725-8838.

TAX DEDUCTIONS FOR A HANDICAPPED CHILD

If a handicapped child attends a special school or institution which alleviates his mental or physical condition:

. Parents may deduct the following as "medical" expenses:
- Tuition costs
- Cost of board and room
- Cost of sheltered workshop
- Cost of halfway house or nursing home (Revenue Ruling 69-499, 1969- 2CB39)

(Revenue Ruling 58-280; Section 213-1 ( ) Internal Revenue Code 1954)

IF A HANDICAPPED CHILD LIVES AT HOME:

. Parents may deduct as "medical" expenses the cost of:
- special school--if the principal purpose is to alleviate his handicap
- special class in a regular school--if the principal purpose is to alleviate his handicap (Revenue Ruling 70-285)
- special class in a parochial school--if the principal purpose is to alleviate his handicap (Revenue Ruling 71-347)
- tests and evaluations
- therapy and psychiatric care
- psychological services
- special instruction or training--such as lip reading, speech instruction, braille (Revenue Ruling 68-212, Internal Revenue Code, Regulation Section 1.213-1 (e) (1) (v) (a))
- patterning exercises (Revenue Ruling 70-170, 1970-1 CB 51)
- medicines, drugs and vitamins. Also special foods and beverages prescribed by doctor.
- all medical expenses, even though the child has earned more than $750 annual income (Commerce Clearing House Explanation #2019-01)

IF A HANDICAPPED CHILD ATTENDS A SHELTERED WORKSHOP:

. Parents may deduct as "medical" expense the cost of the workshop--if the principal purpose is to alleviate his handicap. (Letter from Mortimer M. Caplin, U.S. Commissioner of Internal Revenue to Dr. Stafford L. Warren, Special Assistant to the President for Mental Retardation, July 6, 1964)

IF PARENTS INCUR TRANSPORTATION COSTS (PLANE, TRAIN, BUS, OR TAXI FARE) WITH THEIR HANDICAPPED CHILD:

. Parents may deduct transportation costs as "medical" expenses if they are incurred going to and from:
- special schools and institutions
- hospitals and doctors' offices

(R. T. Olson 23RCM-2008, Commerce Clearing House Explanation #2019-793)

The cost of hiring a person to accompany a handicapped child who cannot travel alone to the above places is also tax deductible (Revenue Ruling 58-110).

Parents who provide the transportation are allowed to deduct:
- . 7¢ per mile
- . parking fees
- . toll fees

(Revenue Proc. 74-24, C.B. 1970-2,505)

PARENTS WHO VISIT A HANDICAPPED CHILD AT A SPECIAL SCHOOL OR INSTITUTION:
- . May deduct as "medical" expense transportation costs--but not meals and lodging--if medical experts deem their visit a necessary part of treatment. (Revenue Ruling 58-533)

PERSONS ARE ALLOWED AN EXTRA $750 EXEMPTION, IF THEY OR THEIR SPOUSE ARE BLIND.

PERSONS GAINFULLY EMPLOYED OR ACTIVELY SEEKING EMPLOYMENT:
- . Are allowed a tax credit for child care or home care expense while working as follows: 20 per cent of the following amounts:
  - $200 per month for care of one disabled child or disabled adult
  - $300 per month for care of two disabled children or disabled adults
  - $400 per month for care of three or more disabled children or disabled adults

They are not allowed a tax credit for amounts paid to dependent relatives. However, amounts paid to non-dependent relatives over 21 is deductible - even if they are members of their household. (IRS Publication #503, Child Care and Disabled Dependent Care)

Please Note: Child Care and Disabled Dependent Care Expenses are claimed as a tax credit - not as a deduction. This means that itemizing of deductions is not necessary to take advantage of this tax benefit, which reduces your tax liability dollar-for-dollar. This new provision is part of the 1976 Tax Reform Act.

NOTE:

- . All deductions must exceed 3% of total income. (Internal Revenue Code, Section 213, (a) (1))
- . All deductions are allowed regardless of the handicapped child's age. (Internal Revenue Code, Section 213 (a) (1))
- . The full $750 deduction is allowed whether or not the child attends a special school or institution. For tax purposes, the cost of tuition, room and board is considered a scholarship and is not taken into account in determining whether parents have provided more than half the child's support. (Revenue Rulings 61-186, 1961-2CB & 64-221, 1964-2CB46)
- . Persons who are eligible for the above deductions, who have not filed them previously, may file an amended return, retroactive for the past three years.

FOR MORE INFORMATION PLEASE CONSULT:
- . IRS Publication #502, "Deduction for Medical and Dental Expenses"
- . IRS Publication #503, "Child Care and Disabled Dependent Care"
- . Both publications are available from the local Internal Revenue Office. For further information call the local Internal Revenue Office.

ALLOWABLE MEDICAL DEDUCTIONS

PROFESSIONAL SERVICES

Chiropodist
Chiropractor (lic.)
Dentist
Dermatologist
Gynecologist
Neurologist
Obstetrician
Oculist
Optician
Optometrist
Orthopedist
Osteopath (lic.)
Pediatrician
Physician
Physiotherapist
Plastic Surgeon
(not to beautify)
Podiatrist
Registered Nurse/Surgeon
Practical or other non professional nurse for medical services only.
Psychiatrist
Psychoanalyst
Psychologist

MEDICAL TREATMENTS

Acupuncture
Blood Transfusion
Diathermy
Electric Shock Treatments
Healing services
Hydrotherapy (Water treatments)
Injections
Insulin treatments
Nursing
Organ Transplant
Pre-natal/post natal treatment
Psychotherapy
Sterilization
Radium therapy
Ultra-violet ray treatments
Whirlpool baths
X-ray treatments

EQUIPMENT AND SUPPLIES

Abdominal supports
Air conditioner for medical purpose
Ambulance
Arches
Artificial teeth, eyes
Autoette (Auto device for handicapped person)
Back Supports
Crutches
Elastic hosiery
Eyeglasses
Flouridation unit in home
Hearing aids
Heating devices
Invalid chair
Iron Lung
Orthopedic shoes
Doctor prescribed reclining chair
Sacroliac belt
Special belt
Special mattress and plywood bed boards for relief of arthritis of spine.
Splints
Truss
Wig (for med. purposes)

LABORATORY EXAMINATIONS AND TESTS

Blood test
Cardiographs
Metabolism tests
Spinal fluid test
Sputum tests
Stool examination & Urine analysis
X-ray technician

HOSPITAL SERVICES

Anesthetist
Hospital bills
Oxygen mask, tent
Use of operating room
Vaccines
X-ray technician

MEDICINES

Cost of prescriptions
Drugs
Patent medicines
Vitamins, tonics, etc. prescribed by doctor.

MISCELLANEOUS

Alcoholic inpatient care costs
Asylum
Birth control pills prescribed by your doctor
Braille books
Clarinet lessons advised by dentist for treatment of tooth defects
Convalescent home-for medical treatment
Drug treatment center/inpatient care
Kidney donor's expenses
Legal fees for guardianship of mentally ill spouse, where commitment was necessary
Medical insurance premiums up to $150
Nurse's board and wages, including Social Security taxes you pay on her wages.
Remedial reading for child suffering from dyslexia
Sanitarium and similar institutions
Seeing-eye dog and its maintenance
Wages of guide for blind persons
Special school costs for physically and metally handicapped children.
Telephone/teletype costs for deaf person.

RIGHTS OF THE INSTITUTIONALIZED

FEDERAL

WORK RIGHTS

The Fair Labor Standards Act as amended (29 USCAS sec. 14 (C)) makes provision for the employment of institutionalized persons at subminimum wages under appropriate certificates.

Authority for issuance of these certificates is held by Administrators of the Wage and Hour Division of the United States Department of Labor.

WHO IS ELIGIBLE:

Any person who is:
- sick
- aged
- mentally ill
- mentally defective, AND
- is receiving treatment or care by a hospital or institution AND
- who has an employment relationship with that establishment.

NOT ELIGIBLE:

Any person who is:
- working for employer other than hospital or institution
- working in sheltered workshops, including work activities centers operated by the hospital or institution.

They have the RIGHT:
- to be paid the minimum or commensurate wage for work

PROVIDED:
- their earning or productive capacity is not impaired
- the work is a consequential benefit to the facility
- the work is not their own personal housekeeping chores
- the work is not the voluntary making of craft products to become the property of the facility

REGARDLESS OF:
- the level of performance
- whether the work is of therapeutic value

OR if the above do not apply
- to be paid in accordance with four special categories of certificates for subminimum wages.

IF EARNING OR PRODUCTIVE CAPACITY IS IMPAIRED, PAYMENT MUST BE:

- Not less than 50% of the minimum wage and at least commensurate pay under a GROUP MINIMUM WAGE certificate
- Not less than 25% of the minimum wage and at least commensurate pay under an INDIVIDUAL EXCEPTION certificate
- Not minimum BUT at least commensurate pay under:
  - EVALUATION AND TRAINING
  - WORK ACTIVITIES CENTER

  certificates

Work must be reviewed at:
- 3 month intervals for first 6 months
- 6 month intervals after first 6 months and wages adjusted accordingly.

Institutionalized also have the right to:
- Have costs of room board and other services ASSESSED in same manner as none-working patients BUT no part of these charges may be deducted from earnings
- Be paid time and one half the regular rate for all hours worked over the maximum work week
- Be informed promptly of rights under this Act
- Have records kept of payment, disability and productivity.

COMPLIANCE:

A petition for review with the U.S. Department of Labor, Wage and Hour Division may be filed by anyone who feels his rights under this Act have been violated.

CONTACT: For further information:

Wage and Hour Division
Department of Labor
Gateway Building, 15th Floor
3535 Market Street
Philadelphia, PA 19104
Phone: (215) 596-1195

STATE

MENTAL HEALTH CODE:

The rights of residents of licensed hospitals for mental health services are guaranteed by Illinois' Mental Health Code, (Illinois Rev. Stat., Ch. 91 1/2). These rights may be limited by statute, rule, or a court decision.

Any other limitations of the rights listed here must be:

- For good cause
- Entered into the person's treatment record
- Reviewed periodically.

Patients who receive services retain legal competency. Unless an additional court decision of legal incompetence has been rendered, legal competency is retained when admitted to a hospital. And, as such:

- All rights, benefits, and privileges guaranteed by law are retained
- The RIGHT to exercise civil rights includes the right to:
  - civil services status
  - vote in any local, state and federal election
  - retain driver's license
  - enter into contractual agreements
  - manage own affairs
  - marry
  - make a will

(Ch. 91 1/2, sec. 9-11)

TREATMENT RIGHTS:

Patients have the RIGHT to:

- Adequate and humane care and treatment
- Examination by a psychiatrist within 24 hours of admission (excluding Saturdays, Sundays and holidays)
- Be released if not certified as being in need of mental treatment by Psychiatric examination
- A dental examination once every 18 months
- A physical and mental examination BEFORE any medication is prescribed
- Have maintained a confidential hospital record which must include:
  - statutory reasons for hospitalization
  - any changes in status
  - results of 6 month reviews
  - statement of condition of absolute discharge
  - name and address of after-care placement
- Be released from hospitalization when the Superintendent determines
  - they are no longer in need of hospitalization
  - Are able to live independently,
  - Require further care for which arrangements have been made with responsible relatives; and
  - Require further care in a Nursing Home, shelter care home, or other such facility for which arrangements have been made.

AFTER CARE PLACEMENT:

- Patients requiring after-care following an absolute discharge must have:

- Arrangements for after care placement made by the Department
- After care located in or near original community
- Department representative attempt to visit at least once every month for one year AND a report made of the findings.

COMMUNICATION RIGHTS:

Every resident has the right to:

- Receive visitors
- Send and receive mail
- Make and receive phone calls (to the extent that facilities can reasonably by made available)
- Conduct correspondence-uninspected-with:
  - Members of General Assembly
  - Attorney General
  - Judges
  - Licensed attorneys at law

PERSONAL RIGHTS:

Residents have the right:

- To be housed in quarters separate from older patients if they are under 17 except when:
  - placed in medical-surgical units
  - in a facility for the mentally retarded
  - between 13 and 18 years of age AND in need of temporary security measures
- To special education services if between 3 and 21 years old
- To separation between the sexes in sleeping quarters except for certain severely mentally retarded persons and children under 6.

INFORMATION RIGHTS:

Patients have the right to:

- A clear written or oral statement:
  - explaining their rights to a hearing
  - defining the status of admission

  within 12 hours of admission.

- An explanation of any change in legal status after admission
- Have their rights explained in a language they understand
- Notification to themselves or a person responsible for them 15 days prior to a transfer to any other residential hospital EXCEPT in case of emergency
- Know the reasons for continued hospitalization

. Once during the first year AND
. Once every 2 years thereafter.

DEVELOPMENTAL DISABILITIES:

Developmentally disabled persons in residential treatment have the RIGHT TO:

- Treatment and care
- Counseling for their family
- Confidentiality of payment records for maintenance
- Petition for re-evaluation of maintenance charges issued (see also DEVELOPMENTAL DISABILITIES - BILL OF RIGHTS FEDERAL).

ADMISSIONS-TYPES AND PROCEDURES:

INFORMAL

Admissions to a hospital without formal application may be made if the hospital superintendent considers them suitable for informal admission.

Patients must be informed at the time of admission, of their right to leave

- Anytime during normal day-shift hours
- Beginning with the first day-shift hours after admission

VOLUNTARY

Persons may be admitted to a hospital for mental treatment as a voluntary admittee:

- By filing an application with the hospital superintendent AND
- If the superintendent deems them suitable for admission as a voluntary patient

Applications may be made by:

- Persons over 18 years of age
- A relative, or attorney with the person's consent
- A parent or guardian of children under 18 years of age.

Patients have the right to leave the hospital within 5 days (excluding Saturdays, Sundays and holidays) of giving a written notice to leave unless:

- They withdraw notice in writing before they leave
- Within those 5 days a petition and 2 certificates of examining physicians are filed in court AND the court orders a hearing.

PHYSICIANS CERTIFICATE:

Patients may be admitted and MUST be received by a hospital if an application for admission contains a statement that they are in need of mental treatment.

This statement MUST:

- Be executed by any person 18 or over
- Be executed within 10 days pre-admission
- Be contained in a certificate issued by an independent physician who has examined you within 72 hours pre-admission.

PATIENT'S HAVE THE RIGHT TO:

- Be examined by a psychiatrist within 24 hours. If this psychiatrist does not certify that they need mental treatment they may be released
- Have notification of admission status and rights sent to at least two persons of their choice within 24 hours of admission
- Make a minimum of 2 telephone calls at the time of admission
- Have a consultation with a judge within 5 days (excluding Saturdays, Sundays and holidays) of admission
- Request a hearing on the question of need of mental treatment any time within 60 days of admission
- Be released after 60 days of hospitalization IF the superintendent has not filed in court for an order to extend treatment
- Request a hearing within 10 days if such a court order has been filed for.

EMERGENCY:

Persons will be admitted for mental treatment on an emergency basis IF:

- Someone 18 years or older states in a petition the reasons why they are in immediate need of mental treatment to protect themselves or others from physical harm.

This petition must be:

- accompanied by a physician's certificate based on an examination within the prior of 72 hours OR
- a petition stating the immediate need of treatment which will substitute for a physician's certificate for 24 hours only.

PATIENT RIGHTS:

- Within 12 hours of admission they must receive:
  - a copy of the petition filed (above #2)
  - a statement, in a language they understand, that they will be examined and appear in court for a hearing within 5 days (excluding Saturdays, Sundays and holidays)
- Within 24 hours a copy of this petition (#2) and statement must be given to their attorney, and nearest relative
- They must be examined by a psychiatrist within 24 hours after admission (excluding Saturdays, Sundays and holidays)
- The court must be notified within 24 hours (excluding Saturdays, Sundays and holidays) and a hearing must be set for no more than 5 days after admission.

PETITION FOR EXAMINATION AND HEARING UPON COURT ORDER:

Patients may be examined to determine need for mental treatment IF a petition asserting that need is filed with the court.

A court hearing must be set if there is petition for examination AND a physician's certificate asserting such need. They may be admitted to a hospital until the hearing.

PATIENT RIGHTS IN ALL ADMISSION PROCEEDINGS:

- In all admission proceedings patients have the right to a jury trial to determine the question of need for mental treatment
- They have the right to counsel
- They may not be hospitalized unless at least one physician attests to need for mental treatment in court
- If they are found in need of treatment but NOT in need of hospitalization they may be released in the care of a person who:
  - is willing
  - is able
  - gives written consent

(Ill. Revised Statutes, Ch. 91 1/2)

RIGHT TO FREEDOM FROM CONFINEMENT

"...the mere presence of mental illness does not disqualify a person from preferring his home to the comforts of an institution..." -- Justice Stewart, Court Opinion, O'Connor V. Donaldson

In a unanimous ruling the Supreme Court of the United States held that IF:

- Patients are not a danger to themselves or others
- They receive only custodial care from a facility, AND
- They are capable of living safely in freedom EITHER
  - by themselves, OR
  - with the help of willing others

THEN they have the RIGHT not to be confined. O'Connor V. Donaldson, No. 74-8

DEVELOPMENTAL DISABILITIES SERVICES

The Developmental Disabilities Act(P.L. 91-517) as amended by The Developmentally Disabled Assistance and Bill of Rights Act. (P.L. 94-103), provides that each state receives federal funds to establish and maintain services which are required by developmentally disabled children and adults.

The Act also establishes a Bill of Rights of the developmentally disabled.

WHO IS ELIGIBLE

Developmental disabilities include:

- Mental retardation
- Cerebral palsy
- Epilepsy
- Autism
- Other neurological conditions which:
  - are closely related to mental retardation
  - require similar treatment
- Dyslexia resulting from any of the above.

The above conditions:

- Must have developed before age 18
- Must continue or be expected to continue indefinitely
- Must constitute a substantial handicap to the individual's ability to function normally in society.

SERVICES PROVIDED:

Are specialized services directed toward:

- the alleviation of the disability
- the social, personal, physical or economical, or economic development of the individual.

Examples of these services are:

diagnosis
evaluation
treatment
personal care
day care
special living arrangements
sheltered employment
recreation
counseling (for individual and his family)
protective and other social and and socio-legal services

training
education
transportation services

information and referrral services

The Act requires that any state receiving assistance under the Act must establish a State Planning Council to serve as advocate for persons with developmental disabilities. This State Council shall monitor the compliance of the state with the requirements set down in the Act.

SUPPORT OF OTHER MAJOR LEGISLATION RELATING TO NEEDS OF HANDICAPPED

The Act specifically states that recipients of funds under the Act must comply with:

- Architectural barrier requirements as outlined in the Architectural Barriers Act of 1968 (P.L. 90-480) and
- Affirmative action requirements in employment of handicapped persons as specified in the Rehabilitation Act of 1973 (P.L. 93-112).

EVALUATION SYSTEM

The Act provides for the development, within specified time frames, of a system of evaluation of services based upon the compilation of:

- Measurable progress information of persons being serviced from their individual progress records.
- A method of evaluating programs using this data.

AND

- providing effective measures for protecting the confidentiality of the individual records used.

TITLE II, Sec. 111 - RIGHTS OF THE DEVELOPMENTALLY DISABLED

Persons with developmental disabilities have the RIGHT to:

- Appropriate treatment, services, and habilitation for such disabilities
- Services designed to maximize the potential of the person
- Services provided in the setting least restrictive to the person's PERSONAL LIBERTY

To continue receiving public funds, any institutional or residential program for persons with developmental disabilities must:

- Provide appropriate treatment, services and habilitation to the person
- Meet the following minimum standards in providing services to persons with developmental disabilities:

. Provision of

- a nourishing, well-balanced daily diet, appropriate and sufficient medial and dental services

. Prohibition of physical restraints

- unless absolutely necessary
- when used as a punishment
- when used as a substitute for habilitation

. Prohibition of excessive use of chemical restraints

- as punishments
- as a substitute for habilitation program
- in quantities that interfere with services, treatment and habilitation

. Permit visits for close relatives of such persons at reasonable hours without prior notice

. Comply with adequate fire and safety standards.

All programs must meet standards designed to assure the most favorable possible outcome for those served:

. Residential programs providing comprehenesive health-related services must minimally meet standards applicable to intermediate care facilities
limits of program.

. Other residential programs must assure that:

- care is appropriate to needs
- persons admitted to such programs have needs which can only be met by such programs
- the facilities provide humane care
- facilities are sanitary
- residents' rights are protected.

. Non-residential programs need assure that the care they provide is appropriate to persons served.

HABILITATION PLAN

Section 112 of the Act requires that all programs receiving assistance under the Act MUST have a habilitation plan for every developmentally disabled person served by that program. The habilitation plan must:

. Be in writing
. Be developed jointly by program representating
  - the person
  - the person's parent or representative.

- Contain statement of long-term goals and intermediate objectives spelled out

  - in sequence
  - in measurable ways, i.e., behavior
  - describing how objectives will be achieved
  - stating method to be used to measure progress
  - providing for program coordinator who will be responsible for putting the plan to work.

- Contain statement of specific services to be provided, describing:

  - agencies who will provide them
  - necessary personnel
  - date of initiation of service
  - anticipated length of service.

- Specify role and objectives of all parties to implementation of plan.

- Have plan reviewed at least annually by primary service delivery agency with

  - receiving services
  - program representative
  - person's representative.

ADVOCACY

The Act provides for protection of individual rights by requiring states applying for funds to assure that no later than October 1, 1977 it will have a system in effect to protect and advocate for the rights of persons with developmental disabilities.

This system will:

- Have authority to pursue legal administrative and other appropriate methods to insure protection of the rights of persons with developmental disabilities.

- Be independent of any State agency which provides services to persons with developmental disabilities.

VOCATIONAL REHABILITATION AND TRAINING

FEDERAL

The Rehabilitation Act of 1973 (P.L. 93-112) is comprehensive national legislation that provides federal funds for:

- Vocational rehabilitation services to handicapped persons
- Evaluation of rehabilitation potential of handicapped persons
- Construction of rehabilitation facilities
- Expansion and remodeling of existing rehabilitation facilities
- Innovation and expansion of services
- Research and training
- Studies to determine areas of need in services
- Studies to determine best methods for providing services
- Elimination of architectural barriers.

FIRST PRIORITY FOR SERVICES ARE:

- Persons with the most severe handicaps
- Public safety officers handicapped in the line of duty.

DEFINITION:

- A handicapped individual is defined as: "one whose physical or mental disability constitutes a substantial handicap to employment, and who can be expected to benefit in terms of employment from vocation rehabilitation services provided under Title I or Title III."

- Severe handicap is defined as: "a disability requiring multiple services over extended time, resulting from one or more of a number of handicapping conditions, such as amputation, blindness, spinal cord injury, deafness, and others."

THE ACT REQUIRES:

- An individualized written rehabilitation plan be developed for each individual served
- Records of ineligible applicants be kept which give reasons for ineligibility
- Periodic review and re-evaluation of the handicapped person's status in extended employment in workshops and other rehabilitation facilities
- Views of handicapped persons receiving services, workers and service providers by considered by the State local vocational rehabilitation agencies.

WHO IS ELIGIBLE:

- Persons who have a physical or mental disability
- Persons who have a substantial handicap to employment
- Persons who can seasonably expect to engage in gainful occupation after vocational rehabilitation services.

SERVICES PROVIDED:

- Medical Examination to determine:
  - extent of disability
  - suitability for employment
  - medical help needed.
- Tests and Evaluations to determine:
  - rehabilitation potential
  - employment potential
  - most suitable employment.
- Medical Help to reduce or remove disability, improve or restore job performance. This help includes:
  - medical services
  - surgical services
  - psychiatric services
  - hospital services
  - artificial limbs
  - braces
  - hearing devices
  - eye glasses.
- Counseling and Guidance in finding a job suited to the individual's abilities
- Job Training in a:
  - trade school
  - institution of higher learning
  - rehabilitation center
  - in the home
- Financial Assistance while preparing for work for:
  - room and board
  - transportation
  - other necessary assistance
- Referral and Job Placement
- On The Job Help - if needed

SPECIAL SERVICES:

- Interpreter services
- Reader services
- Teaching, orientation, and mobility services for the blind
- Telecommunication devices
- Sensory devices
- Transportation
- Other technological aids and devices

The Above Services Can Be Provided Through PUBLIC AGENCIES
or PUBLICLY FUNDED PRIVATE AGENCIES

THE ACT PROVIDES SPECIAL FUNDS FOR:

- The establishment of a National Center for Deaf-Blind Youths and Adults
- The establishment of programs and facilities for:
  - spinal cord injured individuals
  - older, blind individuals
  - deaf individuals who have not reached their maximum potential
- Services to handicapped migratory agricultural workers and seasonal farmworkers and their families - including maintenance and transportation
- New, innovative services
- New, innovative devices.

HOW TO APPLY:

- Contact local Division of Vocational Rehabilitation Office (listed alphabetically in the phone under Illinois - State of)
- Chicago Office: 160 N. LaSalle, Chicago, 60601
  Telephone (312) 793-2934
- State Office: 330 South Grand Avenue West
  Telephone (217) 782-

EMPLOYMENT

FEDERAL

Discrimination in employment against qualified handicapped individuals is prohibited by the Vocational Rehabilitation Act of 1973 (P.L. 93-112).

PROVISIONS OF THE ACT:

- Contracts above $2,500 entered into by Federal departments of agencies must contain an affirmative action provision which commits employers to hire and advance qualified handicapped individuals.

DEFINITION OF HANDICAPPED INDIVIDUAL:

- "Any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities".

DISCRIMINATION IS PROHIBITED IN:

- Recruitment
- Advertising
- Processing of applications for employment
- Hiring
- Upgrading
- Promotion and demotion
- Tenure
- Seniority
- Transfer
- Fringe benefits
- Layoff
- Termination
- Right of return from layoff
- Rehiring
- Rate of pay or other compensation
- Job assignment
- Job classification
- Organizational structure
- Position descriptions
- Lines of progression
- Departure and return from leaves of absence and sick leave
- Selection and financial support for training including:
  - apprenticeship
  - professional meetings
  - conferences
  - leaves of absence to pursue training
- Employer sponsored activities including:

- social programs
- recreational programs

Employers must make "reasonable accommodation to the known physical or mental limitations of a handicapped applicant or employee" unless they can demonstrate that this would impose an undue hardship.

EMPLOYERS MUST:

. Make facilities accessible to handicapped persons
. Acquire or modify equipment or devices
. Restructure jobs
. Provide part-time or modified work schedules
. Refrain from using tests or criterion which have disproportionate, adverse effect on employment opportunities of handicapped persons

THE ACT REQUIRES THAT:

"No qualified handicapped person shall, because a recipient's (employer's) facilities are inaccessible to or unusable by handicapped persons, be denied the benefit of,be excluded from participation in, or otherwise be subjected to discrimination under any program or activity..."

COMPLAINTS MAY BE FILED WITH:

U.S. Department of Labor, local office
Chicago Office: 230 South Dearborn Street, Chicago, Illinois 60604
Telephone: 353-4373

STATE

DISCRIMINATION IN EMPLOYMENT AGAINST HANDICAPPED INDIVIDUALS IN THE STATE OF ILLINOIS IS PROHIBITED BY:

. The White Cane Law (Ill. Rev. Stat., Ch. 23, Sec. 3365; 1965)
. The Equal Opportunities for the Handicapped Act (Ill. Rev. Stat., Ch. 38; 1971)
. The Fair Employment Practices Act (Ill. Rev. Stat., Ch. 48, Pars. 851, 853, 857; 1975)

THE WHITE CANE LAW PROHIBITS DISCRIMINATION AGAINST QUALIFIED BLIND AND PHYSICALLY HANDICAPPED PERSONS BY:

. State agencies
. Public schools
. All other employment supported by public funds

THE EQUAL OPPORTUNITIES FOR THE HANDICAPPED ACT PROHIBITS DISCRIMINATION AGAINST QUALIFIED PHYSICALLY AND MENTALLY HANDICAPPED PERSONS IN:

- Hiring
- Discharging
- Terms of employment
- Conditions of employment

THE ACT PROHIBITS UTILIZATION OF THE FOLLOWING ORGANIZATIONS IF THEY ENGAGE IN DISCRIMINATORY PRACTICES:

- Employment agencies
- Placement services
- Training schools or centers
- Labor organizations
- Any other sources which discriminate

AN AMENDMENT TO THE FAIR EMPLOYMENT PRACTICES ACT PROHIBITS DISCRIMINATION AGAINST QUALIFIED PHYSICALLY AND MENTALLY HANDICAPPED PERSONS IN:

- Hiring
- Testing

THE ACT ALSO PROHIBITS RETALIATION AGAINST HANDICAPPED PERSONS WHO:

- Bring charges in good faith
- Testify in good faith
- Assist in investigations, proceedings or hearings in good faith

THE ACT ALSO CREATES A FAIR EMPLOYMENT PRACTICES COMMISSION TO DEFINE ITS FUNCTIONS, POWERS, AND DUTIES, AND MAKE APPROPRIATIONS.

COMPLAINTS MAY BE FILED WITH:

Ill. Fair Employment Practices Commission, local office
Chicago Office: 179 West Washington Street, Chicago, Illinois 60602
Telephone: (312) 435-6200

HOUSING

FEDERAL

The Housing and Community Development Act of 1974 (P.L. 93-383):

Is comprehensive legislation which revises almost every major piece of housing legislation enacted by Congress in the last 40 years. This Act encourages building and provision of housing which will meet the needs of the handicapped and elderly by providing federal dollars for this purpose to private builders. For the first time the elderly and handicapped are included in the statutory language for funding programs for low and moderate income housing. Sections of the law dealing with the handicapped are described below.

Title I - Community Development

Construction Requirements - All facilities constructed with Title I funds are required to conform to the design standards of the 1968 Architectural Barriers Act (42 USC 4151) see Ch. 12, the first major federal action toward eliminating architectural discrimination against the handicapped.

Barrier Removal - The Act provides funds for "special projects to remove material and architectural barriers restricting mobility and accessibility of handicapped and elderly persons."

Title II - Assisted Housing

Project Standards - The Act requires special projects for the handicapped to meet acceptable design standards. Projects must also provide quality services and management consistent with the needs of the occupants.

Direct Loan Program - Section 202 - Through Housing and Urban Development (HUD), the Federal Government encourages private and public concerns to meet the needs of the handicapped and the elderly by making loans. The definition of handicapped, for the purpose of loans under this Act, has been broadened to include the mentally handicapped with specific mention of the developmentally disabled.

The Act also directs the Secretary of HUD to assure that projects receiving section 202 loans provide a range of appropriate supportive services for the handicapped including: health, continuing education, welfare, informational, homemaker counseling and referral services and transportation to such services.

Rent Subsidy Program for Low-Income Handicapped and Elderly (Housing Leasing Program) - Section B

This part of the Act provides subsidies for the housing of qualified handicapped persons to:

. Owners of:

  . existing dwellings
  . newly constructed apartments and/or houses
  . substantially rehabilitated dwellings

. Public housing agencies.

HUD will determine the fair market rent for similar housing in the area. It will make contracts with public agencies or private owners -- either directly or through the local housing agency, to permit occupancy by low-income families on a rent subsidy basis.

Who is Eligible:

Financial - low-income families whose total family income is less than 80% of the median income for their geographic area.

Definition of Family:

. ONE or more single elderly, disabled or handicapped individuals living together
. One or more such individuals living with another person determined essential to their well-being
. A family of two or more.

The amount of rent paid by the tenant is no more than 25% of his gross income and not less than 15%.

P.L. 94-375, The Housing Authorization Act of 1976 prohibits these rent subsidies from being considered income to persons receiving Supplemental Security Income. This prevents a cut in payments to SSI recipients.

How to Apply

for Public Agency Housing contact the local public housing authority.

for Private Owner Subsidy:

. Contact the local public housing authority to determine eligibility for these programs

. Find a unit suitable to needs.

. Inquire as to landlord's willingness to enter into a contract with HUD for fair market rent.

Citizen Action - Besides active participation in community development and housing plans, there are several things citizens can do to encourage government officials to support programs in housing for the handicapped.

- Form citizen "watchdog" groups to monitor new construction of public buildings for conformity with requirements of the Architectural Barriers Act of 1968.

- Request from local HUD office and local Housing Authority, specific information on amount, availability, and range of services permitted of funds allocated locally.

Contact: For further information:

- Local Housing Authority

- Local Housing Urban Development Office.

HOUSING

STATE

The Equal Opportunities for the Handicapped Act of 1971 (Chapter 38, par. 65-21) is an act which prohibits "unjust discrimination in the sale or rental of property because of physical or mental handicap..."

This Act defines as Unlawful Housing Practices:

- Refusal to sell or rent property to any person because of a physical or mental handicap or because a blind person has a guide dog.
- Discrimination in terms, conditions, or privileges of sale or rental of property,
- Advertising or sale or rental notices of property that indicates any limitation or discrimination,
- Representation to any person that any property is not available for inspection, sale or rental when that property in fact is available,
- Denial of loans or other financial assistance by any commercial loan enterprise for purposes of:

  . purchasing
  . constructing
  . improving
  . repairing
  . maintaining

  property,

- Discrimination in the terms of such a loan or other financial assistance,

because of a physical or mental handicap.

COMPLIANCE

If a person believes he has been discriminated against in the above manner, a complaint should be filed with the Attorney General's Office, Division for the Enforcement of Civil and Equal Rights, (Chapter 14, par. 9). Failure to comply with the Equal Opportunities for the Handicapped Act shall be considered a Class C. misdemeanors, (Chapter 65, par. 28). AND

Such person may bring a court action for damages resulting from such discriminatory housing practice, (Chapter 65, par. 29).

TRANSPORTATION

FEDERAL

The Urban Mass Transportation Act of 1970 (P.L. 91-453) defines a handicapped person as:

> " Any individual who by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected."

Legislation pertaining to transportation in general is beginning to reflect the needs and rights of the elderly and handicapped as a rightful segment of the general population being served.

POLICY TOWARD HANDICAPPED

The Urban Mass Transportation Act of 1970 (P.L. 91-453):

- Provides long term financing for urban mass transportation programs and declares the national policy that elderly and handicapped persons have the same right as other persons to utilize public transportation facilities and services.

- Mandates that all federal programs offering assistance in the field of mass transportation shall contain provisions implementing such policy.

- Section 16 of the law requires that special efforts be made in designing mass transportation services and facilities so that they are available to elderly and handicapped persons.

- Grants or loans may be made by the Department of Transportation provide for special transportation needs of elderly and handicapped persons.

  1.5% of the amount appropriated under the act is authorized for financing such programs.

TRANSPORATION GRANTS

Chapter 127, Section 49.19a of the Illinois Revised Statutes provides for the making of grants for transportation for handicapped persons from the Transportation Fund to:

. Municipalities
. Districts
. Carriers

for:

. Acquisition
. Construction
. Extension
. Reconstruction
. Improvement

of transportation facilities for handicapped persons who are defined for purposes of this section. The definition used is the same as that used for the Urban Mass Transportation Act of 1970.

FARES

The passage of the National Mass Transportation Assistance Act of 1974 (P.L. 93-503) marked the first time Congress has approved a broad based program of federal aid to urban mass transit system. Provisions affecting the handicapped are:

. The Department of Transportation may not approve any mass transit project application for federal funds unless it includes assurance that rates charged elderly and handicapped persons during nonpeak hours will not exceed 1/2 of the rate for other persons during peak hours. Programs may transport elderly and handicapped persons free of charge and still be eligible for federal funding.

BUS AND OTHER MOTOR MASS TRANSPORTATION

The Highway Act of 1973 (P.L. 93-87, Section 165 b) requires assurance that all federally funded projects designed to improve bus or other motor mass transportation under the Act shall be planned and designed so that mass transportation facilities and services can effectively be utilized by elderly and handicapped persons.

CONTACT: For further information on Department of Transp ortation programs and policies:

The Department of Transportation
Office of Environmental Affairs
400 7th Street, SW
Washington, D. C. 20590

AMTRAK

The Amtrak Improvement Act of 1973 (P.L. 93-146, Section 6) authorizes the Amtrak Corporation to take all necessary steps to insure that no elderly or handicapped person is denied transportation on any Amtrak train including:

- Acquiring special equipment and devices
- Conducting special training sessions for employees
- Designing new equipment and facilities
- Eliminating architectural barriers in existing equipment and facilities
- Construction
- Alteration of property

The Act also requires special assistance to elderly and handicapped persons while boarding, alighting and in terminal areas.

These provisions apply only to inter-city rail passenger service, not in short-haul commuter service.

CONTACT: For further information:

Amtrak Consumer Affairs
955 L'Enfont Plaza
Washington, D. C. 20024

AIR TRAVEL

At the time of this writing the new regulations of the Federal Aviation Administration has not been published. The current regulation permits carriers to deny transport to physically handicapped persons if they are considered to be a danger to themselves or others. The interpretation of what constitutes a danger to self or others is left to the individual carrier. This means the carrier MAY PERMIT or MAY DENY a passenger to fly depending or whether the carrier deems the passenger a danger.

The crucial question, at this time, is whether a carrier feels a person who requires physical assistance would present a danger to himself or others in the event of an emergency.

COURT ACTION

While the rights of the handicapped to accessibility to transportation exist they require further work to become a reality. Some handicapped persons have sought court action to reaffirm these rights.

PENDING

- Two handicapped students of DePaul School of Law, filed

suit in 1975 to block the use of state or federal funds on Chicago area transit systems until "equal facilities are provided for the handicapped.

SUIT DISMISSED

A District Court judge in the northern district of Alabama, in the case of Snowden vs. Birmingham-Jefferson County Transit Authority, et. al., found that disabled persons do not have a fundamental right to public transportation. The case has been appealed to the United States Court of Appeals. In this class action suit filed by a physically disabled resident, confined to a wheelchair, the plaintiff contends that the federally funded Birmingham-Jefferson County Transit Authority (BJCTA) bus system is discriminatory since it is not accessible to physically handicapped persons, including those confined to a wheelchair.

The plaintiff seeks to prohibit the BJCTA from purchasing 22 new buses which are not accessible to the handicapped, including those confined to wheelchairs.

In his decision the District Court Judge declared that there was not sufficient legal precedence or other authority to sustain the plaintiff's contention that equal access to public transportation was a fundamental right guaranteed by the Constitution.

THE CASE HAS BEEN APPEALED TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT.

Snowden vs. Birmingham-Jefferson County Transit Authority et. al. is the first case challenging inaccessible transportation to reach the Federal appellate level.

COURT VICTORY

A coalition of handicapped groups (National Paraplegia Foundation, Paralyzed Veterans of America, and the Washington Urban League) filed suit April, 1972, to force the Washington D.C. Metropolitan Area Transit Authority (WMATA) to comply with federal laws requiring accessibility to the transit system.

WMATA argued that there were not enough handicapped persons to justify the expense required to make the system accessible. In October, 1973, the U.S. District Court ruled against WMATA and enjoined them from operating until the facilities were accessible to the physically handicapped. The system was redesigned to include elevators and ramps.

STATE

"The White Cane Law" (Chapter 23, Sections 3361-3366) states that,

The blind,
visually handicapped
or otherwise physically handicapped

are entitled to full and equal accommodations

advantages
facilities
privileges

of all common carriers. The Act specifically cites as common carriers:

airplanes
motor vehicles
railroad trains
motor buses
street cars
boats
any other public
conveyances or
modes of transportation

Any blind person may be accompanied by a guide dog in any of the listed places without being required to pay extra for the guide dog.

COMPLIANCE: The Act states that any

persons
firm
corporation, or
agent thereof

who denies or interferes with the rights protected in the Act shall be guilty of a Class A misdemeanor.

A Blind person accompanied by his guide or lead dog must:

- Be granted the access of any common carrier for himself and his dog.
- Be able to have custody of his dog while riding on a common carrier.

provided that the dog is muzzled while riding on a common carrier according to Chapter 111 2/3, Section 40a.

CITIZEN ACTION

Form citizen groups to:

- Monitor all transportation efforts.
- Acquaint local government officials with the needs of the handicapped.

. Request information of the Department of Transportation regarding amount, availability and range of services permitted of funds allocated locally.

. Monitor contracts awarded to private carriers to protect against abuses of funds received which are intended to ease the transportation problems of the elderly and handicapped.

. Create a greater public awareness of the transportation needs of the elderly and the handicapped.

WHEN FLYING:

. Contact airline as early as possible so that any special arrangements can be made.

. Attempt to get a letter of confirmation or policy statement from airlines regarding arrangements, and be prepared to show it to representatives of the airlines who may not be advised that passage has been cleared "upstairs."

. Carry any medication in on-board bag for convenience.

ARCHITECTURAL BARRIERS

FEDERAL

ACCESSIBILITY OF PUBLIC BUILDINGS

The Architectural Barriers Act of 1968 (P.L. 90-480) requires that any building constructed in whole or in part with Federal funds must be made accessible to and usable by the physically handicapped. These accessibility standards do not apply to:

- Privately owned residential structures.
- Military facilities constructed primarily for use by able-bodied military personnel.

This law applies to any building designed, constructed or altered after standards of accessibility were developed by:

- The General Services Administration
- The Department of Housing and Urban Development
- The Department of Defense

COMPLIANCE

The Architectural and Transportation Barriers Compliance Board has been established by the Rehabilitation Act of 1973 (Sec. 502, P.L. 93-112 and Amended P L. 93-516, Sec. 111) to insure compliance with standards prescribed by the General Services Administration, the Department of Defense, and the Department of Housing and Urban Development for federal buildings and facilities.

The Board will:

- Conduct investigations
- Hold public hearings
- Issue orders it deems necessary to insure compliance with the standards of accessibility

Any order of the Board given to a Federal agency or department is final and binding.

Any building found not to be in compliance with the accessibility standards may have its construction funds cut off.

CONTACT: For further information:

Peter Lassen, Director
Compliance Division
Compliance Board
330 "C" Street, S.W. - Room 1006
Washington, D.C. 20201
Phone: (202) 245-1801

CURB CUTS

Access across State highway curbs is required by the Federal-Aid Highway Act of 1973 (P.L. 93-87). The Secretary of Transportation may not approve any State highway program which does not provide for adequate and reasonable access for the safe and easy movement of the physically handicapped across curbs.

The Act specifically includes those individuals confined to wheelchairs in the definition of "Physically handicapped". This curb cut requirement applies to all curbs constructed or replaced at pedestrian crosswalks on or after July 1, 1976.

STATE

The Facilities for the Handicapped Act (Ill. Rev. Stat. 1975, Ch. Ill. Sec. 11-18) provides facilities for the handicapped in newly constructed or remodeled public buildings which are defined as:

. Any building structure improved area

- Owned or leased by this State or its Political subdivisions;
- Used primarily by the general public as a place of gathering or amusement, including but not limited to:

. Office buildings and factories, not including the second floor of:

- Any two story office building or factory having less than 15,000 square feet at the second floor level;
- Any occupied levels below grade having less than 15,000 square feet

unless the building is publicly owned.

The Act contains, within its Declaration of object, the essential concerns of safety and full enjoyment by handicapped persons of public buildings.

These make the provision of facilities for handicapped persons in public buildings an object of serious public concern.

DEFINITION

"Handicapped Person" for purposes of the Act, means a person confined through disease or disability to a wheelchair.

"Facility for Handicapped Persons" includes any

Ramp
Handrail
Elevator
Door
Specially treated surface and similar design convenience or device which facilitates the health, safety or conform of a handicapped person.

MINIUMUM STANDARDS

The Act empowers the Capitol Development Board (CDB) to publish tentative standards of minimum requirements for facilities for handicapped persons in public buildings which, following procedures spelled out in the Act, will within 6 months yield the CDB's issuance of final standards. These final standards may, through proper procedure, be revised from time to time by the CDB.

REQUIREMENTS

This Act mandates that after October 1, 1975, no building permit or other official authorization for construction of a public building, as defined by any person is valid unless it recites that the plans and specifications meet these standards.

Appropriate contracting authorities must determine that the plans and specifications of every public building which the State or any political subdivision, governmental entity or public authority:

. Constructs meets these standards or
. Remodels meets these standards to the extent deemed feasible.

The standards shall NOT require facilities for the handicapped in portions of public buildings which are not open to or used by the general public.

BRAILLE MARKINGS - ELEVATOR CONTROL DEVICES

An Act to require braille markings on control devices for elevators (Ill.

Rev. Stat., 1975 Ch. Ill, Sec. 21-25) became effective October 1, 1975 in Illinois. After this date on each elevator that:

- Is installed
- Undergoes major repairs, renovations, or overhaul

the control device shall include on the cover plate or panel permanent markings in braille and arabic numerals corresponding to the symbol on each button. Each shall appear immediately to one side of the button it designates, but never between two rows of buttons.

Temporary braille markings must be placed adjacent to control panels on all elevators by responsible parties by January 1, 1976. These temporary markings must bear warnings of penalty for removal in the language most understood by users.

VIOLATION

- Any responsible party failing to comply with this Act is guilty of a business offense and shall be fined $100. Each day of continual failure to comply constitutes a separate offense.

- Any person who removes a braille marking from an elevator control device is guilty of a petty offense, and shall be fined $100 (Ch. Ill, Sec. 24.4).

CURBS CUTS

This Act mandates that:

- All new curbs, and
- All existing curbs undergoing reconstruction

be ramped with a non-clip surface. This requirement applies to crosswalk in a block which:

- Is contiguous to a highway or
- Is in an area in which 50% of the territory is zoned for business, commercial or industrial use.

The Act defines the specific requirements of compliances as a ramp that:

- Is not less than 32" wide.
- Shall not have a slope of more than 1 inch rise for 12 inches, or as shallow as a slope as possible.

. Shall have a gradual rounding at the bottom of the slope P.A. 78-322

CITIZEN ACTION

. Form citizen "watchdog" groups to monitor new construction and remodeling of public buildings for compliance with appropriate construction standards of accessibility. Monitor road work for curb cuts.

. Communicate needs for removal of architectural barriers to your local government officials and representatives.

. Be aware of braille markings on elevator control devices. Report noncompliance to the building owners, reminding them of the requirements of the Law. Check to see that they respond in kind. Report refusals to comply to the Attorney General's Office.

CIVIL RIGHTS

FEDERAL

The Rehabilitation Act of 1973, P.L. 93-112, Section 504 states that:

> "No otherwise qualified handicapped individual in the United States as defined in Section 7 (6), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

This single paragraph can have the profound effect of protecting the equal rights of handicapped persons. Congress, by enacting this anti-discrimination provision has set an example for the nation as a whole.

The regulations which would enable implementation of this important legislation are currently in the process of being written. They will be in effect soon.

STATE

The mentally ill and the mentally retarded who have not been rendered legally imcompetent by court decision have Civil Rights. They have:

- All rights, benefits privileges, AND responsibilities, guaranteed by law.
- The RIGHT to exercise Civil Rights including the right to:
  - Vote in any local, state or federal elections,
  - Marry
  - Make a will
  - Manage their own affairs
  - Enter into contractual agreements

Chapter 38, Sec. 13-1 of the Illinois Criminal Code defines it as a violation of Civil Rights if:

- Full and equal use of public places is denied because of race, religion, color, national ancestry, physical or mental handicap.
- The operator of a public place
  - Publishes,

- Circulates,
- Displays, or
- Mails

. Any written communication that he knows will;

- Bring about the denial of, or
- Describe as unwelcome, the patronage of any such person

. A governmental official,

- Refuses to employ, or
- Discriminates against such person in employment;

. A governmental official denies any such person full:

- Advantages
- Accommodations
- Facilities, or
- Privileges of his office

Chapter 38, Sec. 12-3. A Public Place of Accommodation or Amusement is defined by this Article to include such places as:

. Inns
. Restaurants
. Hotels
. Taverns
. Barber shops
. Elevators
. Busses
. Department stores
. Bathrooms
. Theatres
. Skating rinks
. Public golf course
. Railroads
. Airplanes, and

Other places of public accommodation or amusement. Sec. 13-1

Sanctions are defined by this article as:

. Sentence - Class B misdeameanor
. You may Sue for Damages -
- Any operator, found guilty of violation, shall be liable to the person for
AT LEAST $100
AT MOST $1,000
to be claimed by a Civil Suit. Sec. 13-3

Chapter 38, Sec. 13-4. Enforcement responsibility is placed as follows:

. Investigation shall be conducted by a

- Sheriff
- Deputy sheriff
- Policeman, or
- Other peace officer
- Chief of Police
- Marshall

. The State's Attorney must:

- Secure evidence
- File a complaint
- Arrest, and
- Prosecute violators of the provisions of this Article.

. The Attorney General must:

- Secure evidence
- Make complaint when evidence is secured. (Chap. 38, Sec. 13-1)

WHITE CANE LAW

Ill. Rev. Stat., Chap. 23, Sec. 3361, known as the "White CaneLaw" applies to:

. Blind
. Visually handicapped, AND
. Otherwise physically disabled.

This Act defines it as the policy of the State of Illinois to encourage and enable the blind, visually handicapped, and otherwise physically disabled to participate fully in:

. Social, AND
. Economic life of this State, AND
. Paid employment

The persons this Act applies to shall have the equal Right to:

. Full and free use of:

- Streets
- Highways
- Sidewalks
- Walkways
- Public buildings
- Public facilities, AND
- Other public places,

. Full and equal use of ALL:

- Public conveyances
- Modes of transportation

- Hotels
- Lodging places
- Places of public accommodations
- Places of entry to the general public

Every Blind person has the right to be accompanied by his guide dog in any public places described in this Act PROVIDED he will be liable for any damage done to premises by the dog.

SANCTIONS

Any party violating the RIGHTS defined by this Act shall be guilty of a Class A misdemeanor.

ENFORCEMENT

Chapter 14, Section 21.8 creates a divisior in the office of the Attorney General for the:

. Investigation,AND
. Enforcement

of laws relating to civil and equal rights. The Act defines the violations covered as those relating to prevention of discrimination against persons by reason of:

. Race
. Color
. Creed, or
. Physical, or mental handicaps.

WHITE CANE LAW - (Chapter 23 - Sec. 3361. This Act defines: A State Policy encouragement of full participation of:

. Blind
. Visually handicapped, AND
. Otherwise physically disabled persons

OTHER RIGHTS

STATE

BLIND - Right of Way -

Illinois Rev. Stat., Chapter 95½, Sec. 11-1201 of the Illinois Vehicle Code provides that any blind person who is:

- Carrying a white cane, or
- Being guided by a dog,

Shall have the right of way in crossing any street or highway regardless of the control of traffic lights. A driver seeing such a blind person must:

- Bring his vehicle to a full stop, and
- Take such precautions as may be necessary to avoid injury to the blind person.

DEAF - Interpreters in Legal Proceedings

Illinois Rev. Stat., Chapter 51, Sec. 39 provides that a qualified sign-language interpreter MUST be appointed by the court in all instances where a deaf person:

- Is a party to any legal proceedings, or
- A witness therein.

This Act also mandates that a reasonable fee be set for all interpreter services to be paid out of general county funds.

INSURANCE - Auto

Illinois Rev. Stat., Chapter 73, Sect. 1031 defines as unfair and deceptive practices in the insurance business charging any higher rate for automobile insurance of any person because of a physical handicap.

If unfairly treated in this manner, contact:

Consumer Complaint Division
Illinois Department of Insurance
160 N. LaSalle St.
Chicago, Illinois 60601
Phone: (312) 793-2427

INSURANCE - Health/Group - Handicapped Dependents

Illinois Rev. Stat., Chapter 73, Sec. 968b. This Section of the Insurance Code states that the limiting age of dependents on accident or health insurance policies must not terminate the hospital and medical coverage if the dependent is:

. Incapable of being employed because of physical or mental handicap

AND

. Chiefly dependent on the policyholder for support and maintenance.

LICENSES - Drivers License

Illinois Rev. Stat., Chapter 95½, Sec. 6-103. This decision to issue a driver's license to a physically or mentally handicapped person is currently at the discretion of the Secretary of State. Standards must be established by that office for making this determination.

. DEAF persons who are otherwise qualified, may not be prohibited from being issued a license to drive.

SPECIAL REGISTRATION PLATES

Illinois Rev. Stat., Chapter 95½, Sec. 3-616. Persons who have a physical disability may request Special Registration Plates for their car PROVIDED:

. They submit a physician's certificate stating their disability

AND

. They are a qualified licensed driver.

The Special Registration Plates, Ill. Rev. Stat., Chapter 95½, Sec. 11-1301, exempt the vehicle from any time limitations on parking in a business district, BUT DOES NOT PERMIT parking in:

. No Stopping zones in front of or near fire hydrants or driveways.

. No Standing zones in front of or near fire hydrants or driveways.

. Bus Stops

. Loading Areas

. Signs prohibiting parking during certain hours where vehicle would constitute a hazard.

CONTACT: Registration Title Division
Office of Secretary of State
State of Illinois Building
Chicago, Illinois 60601
Telephone: (312) 282-4000, Ext. 240

TAX REDUCTION

Illinois Rev. Stat., Chapter 120, Sec. 1207. A Privilege Tax for owners of MOBILE HOMES is defined in Chapter 120, Sec. 1207.

If owners:

- Are residing in a mobile home, AND
- Hold title to the mobile home, AND
- Are over 65 years of age, or are DISABLED,

on the annual billing date, their tax shall be reduced to 80% of its regular amount. To receive this reduction they must make an application with the County Clerk.

VOTING ASSISTANCE

Illinois Rev. Stat., Chapter 46, Sec. 17-14. If handicapped persons can get to the polls on election day, but need ASSISTANCE in casting their ballot, Chapter 46, Sec. 17-14, states that they may have someone assist them. They must declare upon oath that they by reason of their physical disability are unable to make their ballot. They will be assisted by:

- Two election officers of different parties, or by a relative or friend of their selection.

They must name their disability and indicate if it is permanent.

CONTACT: Local Board of Election Commissioners

ABSENTEE BALLOTS

Illinois Rev. Stat., Chapter 46, Sec. 19-12. If handicapped persons cannot visit the polls on election day, they may vote by mail. Chapter 46, Sec.19-3 states that if they are physically disabled they may apply to:

- A County Clerk
  or
- A Board of Election Commissioners

for an absentee ballot. To apply they must provide an affidavit from a physician stating the nature of their disability.

DISABLED VOTERS IDENTIFICATION CARD

Ill. Rev. Stat., Chapter 46, Sec. 19-12. If a physical disability is permanent and voters require mailing their vote in years to come, they may secure a Disabled Voters Identification Card which:

- Is good for five-year periods, and enables them to vote by absentee ballot without a physician's certificate each year.
- They must surrender it if their disability ceases.
- Must be applied for via County Clerk or Board of Election Commissioners.

REFERENCES

I. EDUCATION

FEDERAL Legislation

- Constitution of the United States, 14th Amendment
- Education for All Handicapped Children Act (P.L. 94-142; 1975)
- Family Educational Rights and Privacy Act of 1974 (P.L. 93-380, Sec. 438)

STATE Legislation

- Constitution of the State of Illinois, Article X
- School Code of Illinois, (Illinois Revised Statutes, Chapter 122, Art. 14)
- State Rules and Regulations to Govern the Administration and Operation of Special Education, (August 23, 1976)
- Illinois Student Records Act of 1975, (Ill. Rev. Stat., Ch. 122)

II. ILLINOIS INDIVIDUAL CARE GRANT PROGRAM

STATE Legislation

- Illinois Mental Health Code, Amendments, 1975, (Ill. Rev. Stat., Ch. 91½, Sec. 12-12, 12-12.1)

III. SUPPLEMENTAL SECURITY INCOME

FEDERAL Legislation

- Social Security Act, Amendments, 1972, (P.L. 92-603 - Title 16)

IV. SOCIAL SECURITY INCOME

FEDERAL Legislation

- Social Security Act, Amendments, 1972, (P.L. 92-603)

V. TAX DEDUCTION

FEDERAL Legislation

- Internal Revenue Code, Section 213

VI. RIGHTS OF THE INSTITUTIONALIZED

FEDERAL Legislation

- The Fair Labor Standards Act as Amended, (29 U.S.C.A.S., Sec. 14(C))

REFERENCES

STATE Legislation

. Illinois Mental Health Code, Amendments, 1975, (Ill. Rev. Stat., Ch. 91½)

VII. DEVELOPMENTAL DISABILITIES

FEDERAL Legislation

. Developmental Disabilities Act,(P.L. 91-517)
. Developmentally Disabled Assistance and Bill of Rights Act, (P.L. 94-103)

VIII. VOCATIONAL REHABILITATION

FEDERAL Legislation

. Vocational Rehabilitation Act of 1973,(P.L. 93-112)

IX. EMPLOYMENT

FEDERAL Legislation

. Vocational Rehabilitation Act of 1973, (P.L. 93-112, Sec. 503, 504)

STATE Legislation

. White Cane Law, (Ill. Rev. Stat., Ch. 23, Sec. 3365)
. Equal Opportunities for the Handicapped Act, (Ill. Rev. Stat., Ch. 38, Sec. 65-21, 65-22, 65-23, 65-24, 65-25)
. Fair Employment Practices Act, (Ill. Rev. Stat., Ch. 38, Pars. 851, 853, 857)

X. HOUSING

FEDERAL Legislation

. Housing and Community Development Act of 1974, (P.L. 93-383)

STATE Legislation

. Equal Opportunities for the Handicapped Act of 1971, (Ill. Rev. Stat., Ch. 38, Par. 65-21)

XI. TRANSPORTATION

FEDERAL Legislation

. Urban Mass Transportation Act of 1970, (P.L. 91-453)

. National Mass Transportation Assistance Act of 1974, (P.L. 93-503)
. Highway Act of 1973, (P.L. 93-87, Sec. 165b)
. Amtrak Improvement Act of 1973, (P.L. 93-146, Sec. 6)

STATE Legislation

. White Cane Law, (Ill. Rev. Stat., Ch. 23, Sec. 3361-3366)

XII. ARCHITECTURAL BARRIERS

FEDERAL Legislation

. Architectural Barriers Act of 1968, (P.L. 90-480)
. Rehabilitation Act of 1973, (P.L. 93-112, Sec. 502), as amended, (P.L. 93-516, Sec. 111)
. Federal-Aid Highway Act of 1973, (P.L. 93-87)

STATE Legislation

. Facilities for the Handicapped Act, (Ill. Rev. Stat., Ch. 111, Sec. 11-18, 21-25, 24.4; 1975)

XIII. CIVIL RIGHTS

FEDERAL Legislation

. Rehabilitation Act of 1973, (P.L. 93-112, Sec. 504)

STATE Legislation

. Illinois Criminal Code, (Ill. Rev. Stat., Ch. 38, Sec. 13-1, 13-2, 13-3, 13-4)
. White Can Law, (Ill. Rev. Stat., Ch. 23, Sec. 3361)

XIV. OTHER RIGHTS

STATE Legislation

. Illinois Vehicle Code, (Ill. Rev. Stat., Ch. 95½, Sec. 11-1201
. Ill. Rev. Stat., Ch. 51, Sec. 39 (Interpreters for Deaf)
. Ill. Rev. Stat., Ch. 73, Sec. 1031 (Auto Insurance)
. Ill. Rev. Stat., Ch. 73, Sec. 968b (Health/Group Insurance)
. Ill. Rev. Stat., Ch. 95½, Sec. 6-103 (Drivers' License)
. Ill. Rev. Stat., Ch. 95½, Sec. 3-616 (Special License Plates)
. Ill. Rev. Stat., Ch. 95½, Sec. 11-1301 (Special Parking)
. Ill. Rev. Stat., Ch. 120, Sec. 1207 (Tax Reduction)
. Ill. Rev. Stat., Ch. 46, Sec. 17-14 (Voting Assistance)
. Ill. Rev. Stat., Ch. 46, Sec. 19-12) Disabled Voters ID Card)